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179
402,709
Sup. Ct.

Vol. II

TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

No. 235

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

LINK-BELT COMPANY

No. 236

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

INDEPENDENT UNION OF CRAFTSMEN

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT
COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR CERTIORARI FILED JULY 12, 1940

CERTIORARI GRANTED, OCTOBER 14, 1940

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IN THE
United States Circuit Court of Appeals
For the Seventh Circuit

LINK-BELT COMPANY, A CORPORATION,
Petitioner,
No. 6974 *vs.*
NATIONAL LABOR RELATIONS BOARD,
Respondent.

INDEPENDENT UNION OF CRAFTSMEN,
Petitioner,
No. 7102 *vs.*
**NATIONAL LABOR RELATIONS BOARD AND LINK-
BELL COMPANY,**
Respondent.

Counsel for Link-Belt Co.:

MR. HENRY E. SEYFARTH.

Counsel for Independent Union of Craftsmen:

MR. BENJAMIN WHAM.

Counsel for National Labor Relations Board:

MR. CHARLES FAHY,

MR. ROBERT B. WATTS.

**Petitions for Review and Request for Enforcement of
Order of the National Labor Relations Board.**

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928 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII—C-303) • •

Room 777, United States Court House,
Chicago, Illinois,
Friday, March 18, 1938.

The above entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock A. M.

Before:

Hugh C. McCarthy, Trial Examiner.

Appearances:

Stephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Messrs. Pope & Ballard, by Henry E. Seyfarth and William F. Price, 120 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, 231 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Intervener, Independent Union of Craftsmen, Local Lodge No. 1.

929

PROCEEDINGS.

Trial Examiner McCarthy: You may proceed.

DOMINICK PRONSKTES, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name, please.

A. Dominick Pronsktes.

Q. Where do you live, Mr. Pronsktes?

A. 836 West 34th Place.

Q. 836 West 34th Place?

A. Yes, sir.

Q. Are you employed at Link Belt Company?

A. Yes, sir.

Q. What is your occupation?

A. Well, I was hired for molder's helper.

Q. Molder's helper?

A. And the roller machine. Some call it drop machines, some call it roller machines.

Q. Is that what you work at now?

A. No, I work on that job and Mr. Skeets take me and put me on a bench.

Q. (By Trial Examiner McCarthy.) On a bench?

A. Yes, bench molder.

930 Q. What do you do on the bench?

A. I work on loose castings, lots of patterns.

Q. (By Mr. Reynolds.) Are you a member of the C. I. O.?

A. Sure.

Q. When did you join, do you remember?

A. Well, it was the 27th of April I think.

Q. April, 1937?

A. Yes.

Q. Now, do you remember when the independent union started in the Link Belt Company?

A. Well, they started a little—oh, I don't know exactly just when it was, in May.

Trial Examiner McCarthy: Talk a little louder.

Q. (By Mr. Reynolds.) Was it in April?

A. Well, I don't know for sure, either the last of April or the first of May, somewhere in there.

Q. Now, do you remember that they had a meeting?

A. Yes, sir.

Q. Along about the first—

A. Well, it was around the 21st or 22nd of April.

Q. Yes. Did you go to that meeting?

A. Yes.

Q. How did you happen to go, did you get an invitation?

A. Yes, everybody was invited.

Q. Everybody?

931 A. Yes, invited to that meeting.

Q. How many went to the meeting?

A. Well, I can't exactly tell how many there was because it was pretty hard to count, but I should judge there was around 200, 250, something like that.

Q. How many of the workers who work out in the production part of the plant were there?

A. There was about half of them.

Q. About half of them, what were the other half? Who were the other half?

A. I see one foreman there, I see Mr. Charlie Grenis.

Q. Grenis?

A. Grenis, he was there.

Q. And did you see others there that were not—

A. No, I didn't.

Q. (By Trial Examiner McCarthy.) What is the other half? You say half were production workers. Who were the others?

A. It was some office help, I don't know all the names.

Q. (By Mr. Reynolds.) Were they all men?

A. I don't know what you mean.

Q. Were they all men in the meeting?

A. You mean the men that worked there?

Q. No, were they all men or were there some women?

A. There was a lot of woman, woman and children, I don't know, no, it was not all men, about one-third woman.

932 Q. Now, do you remember that Mr. Bozurich spoke at the meeting, tried to speak?

A. Yes.

Q. How was the meeting conducted?

A. Well, you know, I don't know how it was. I guess a couple of lawyers from outside talk; I don't know it, all the talking, what he said, but organize, what the organization was about, and the workers, and this and that. After that some of them was organized all completed and they wanted, you know, to have a vote; and some of them raise their hand up, some don't raise. They start argument between the other ones; I don't know what you call it, out of order. They don't have what you call no kind of system.

Q. Do you remember what subject they were trying to vote on?

A. Well, subject—

Trial Examiner McCarthy: Just a minute.

(A short intermission. At this point Mr. Wham entered the room.)

Mr. Reynolds: Mr. Wham, we are now discussing the independent meeting of April 21st and 22nd.

Q. (By Trial Examiner McCarthy.) How did you know they were a couple of lawyers?

A. I don't know exactly, I know they were not ones that worked in the shop; I don't know what it was, it

may be a priest, so far as I know, but not the ones
933 that work in the shop, not the ones that work with us.

Q. (By Mr. Reynolds.) Now, do you remember what subject that vote was taken on?

A. It was taken, what you call the independent union, the organization, to have independent union in the shop.

Q. What was the vote as well as you remember it?

A. What?

Q. How many voted, how many didn't vote?

A. They don't vote very many out of the whole bunch, there was maybe fifty or less.

Q. How did they vote?

A. Just raise their hands up. They had argument, like I say, they don't have no kind of system; they don't have anybody put any votes, no business to this voting business.

Q. Now, did anybody ask you to join the independent union?

A. No, they don't ask me, they ask somebody besides me.

Q. Did you see them ask others?

A. Yes, sir.

Q. But you don't remember who it was?

A. Well, I know the man, you know, he used to come and they start organized independent union, see.

Trial Examiner McCarthy: A little louder, please.

The Witness: You know they had organize C. I. O., we had organize already—I mean independent start organize union. Well, couple of weeks after that, a
934 couple of men use to come in the shop. One man, he works most of the time in the pattern shop, I don't know his name.

Q. (By Trial Examiner McCarthy.) In the pattern shop?

A. Yes, he used to come in and work on the company's time and talk to the fellows for about fifteen or twenty minutes at a time, two or three times a day.

Q. (By Mr. Reynolds.) Did you see the foreman around the place at the time they were there?

A. No, I don't see no foreman.

Q. They never asked you to join?

A. No, they don't ask me, no, because I told them I belong to the C. I. O. They don't bother me no more.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) You say there were men in the pattern shop that came into your department?

A. Yes. I don't know what he does, most of the time I see him in the pattern shop.

Q. Is he the foreman of the pattern shop?

A. No, sir, some man, I see he was fixing the patterns, I don't know his name, short stout built fellow, a man about fifty years old, I should judge.

Q. Fifty years old?

A. I don't mean just exactly, but I mean in my judgment.

Q. In round numbers he is fifty years old?

935 A. Yes.

Q. Is he short and stocky?

A. Not stocky, but I should judge a man that weighs 165, something like that, no more than five feet eight inches.

Q. Has he a mustache?

A. No, no mustache.

Q. Is he baldheaded?

A. He always wears a cap, I don't know whether he is baldheaded or not.

Q. Is he light or dark complected?

A. Well, he is not dark, not exactly, I don't know, lighter, yellow skin, mostly yellow skin.

Q. You say he makes patterns?

A. Not exactly makes patterns, but he has something to do with the patterns, that is all I know, because I was not working in the pattern shop, I don't know what it is all about, but he used to come in the foundry.

Q. You saw him fixing patterns in the pattern shop?

A. Yes, I saw him fixing patterns in the pattern shop.

Q. He fixes patterns in the pattern shop and he was in your department talking with the men?

A. Yes, he used to come in that department. When we started organize that independent union, then I was working there, bench molder, and he was working in the pattern shop, and he was in the doghouse just a little—

936 Q. Just a minute, I didn't hear what you said.

A. When I work at the time, when that man, he used to come in the place. You know at that time they were dividing the building, making a bigger shop because we didn't have no more room to work in the building, and

they were busy in that shop, and we used to call it the doghouse.

Q. (By Trial Examiner McCarthy.) The doghouse?

A. That is what everybody in the place called it, the doghouse. When they were building that bigger shop, at that time we worked in the doghouse.

Q. That is where you worked?

A. That is where I worked with the rest of the bench workers.

Q. The man from the pattern shop would come to the doghouse?

A. Yes. He didn't talk to me, but the rest.

Q. (By Mr. Seyfarth.) Who did he talk to?

A. I don't know the names, I can't say.

Q. You saw him talking to the man next to you, the man working next to you?

A. One of them I think his name, they called him Ernie.

Q. Ernie?

A. Yes, he was right next to me.

Q. (By Mr. Seyfarth.) Do you know his last name?

A. I don't know his last name, no.

937 Q. Is he working right next to you now?

A. No, not now, no, I am in the new building.

Q. When was it that he was working next to you?

A. It was in 1937, along in about May, maybe June, all during that time. After that, I think about June, up to July and August, they put two or three fellows in there.

Q. What is Ernie's job?

A. He is a molder, he is a squeeze molder sometimes.

Q. He is a squeeze molder?

A. Yes, I am a bench molder, he is a squeeze molder.

Q. He is a squeeze molder?

A. Yes.

Q. Who else did you see him talk to?

A. The rest of them fellows, I don't know his name, I don't know the last name.

Q. Give me some of their first names.

A. We call him Peanuts, everybody call him Peanuts.

Q. Where was Peanuts working?

A. He was working on the squeezer.

Q. (By Trial Examiner McCarthy.) What?

A. He was working on the squeezer.

Q. On the squeezer?

A. On the squeezer.

Q. (By Mr. Seyfarth.) Who else did he talk to?

A. He talked to Albert.

938 Q. Albert?

A. Yes, what his last name is I don't know, I don't know his last name.

Q. (By Trial Examiner McCarthy.) Where does Albert work?

A. He works on the squeezer, squeeze molder.

Q. (By Mr. Seyfarth.) Who else did he talk to?

A. Let's see, if I can guess any more names.

Q. Do you remember any more?

A. Peanuts and Albert, I think that is about all. I know.

Q. That was in May or June of 1937?

A. It was about two or three months time he was coming, you know, pretty nearly every day, sometimes two or three times a day, on the company's time, and he would go in fifteen or twenty minutes and talk to the men on it, to get them to join the Independent.

Q. Did you hear what he said to the men?

A. I was working, I couldn't go and listen. He was asking them to sign their names in the Independent.

Q. Did you hear what he had to say to the men?

A. Well, yes, all of the fellows told me, the ones he was talking to, what he wants.

Q. You are talking about what Ernie and Peanuts and Albert told you?

Trial Examiner McCarthy: The witness said he did not hear what he said because he was working.

939 The Witness: I am working, I couldn't listen because I would get kicked out of the place.

Q. (By Mr. Seyfarth.) How do you know what he was saying to them?

A. Because he told me, he tried to make those fellows join the Independent Union. That is why I know.

Q. You know because Peanuts, Ernie and Albert told you?

A. Yes, Peanuts, Ernie and Albert told me he wanted them to join the Independent Union.

Q. They told you what the pattern shop man told them?

A. Yes.

Q. Is that right?

A. Yes, that is right.

Q. (By Trial Examiner McCarthy.) Did you hear

what he said to the man who was working next to you? Did you hear that conversation?

A. When he talked to Ernie?

Q. Could you hear what he said to Ernie?

A. Yes, he talked to him.

Q. What did he say?

A. Well, he told him, you are a married man, I think you own property—I don't know whether he does or not—he say in case you are not going to sign up for the independent you are liable to use your lob. He say you are a married man, you might be in bad shape after 940 that, you might as well sign up and be safe, protect your job.

Q. (By Mr. Seyfarth.) When did that conversation take place?

A. What you mean?

Q. (By Trial Examiner McCarthy.) What time did you talk to the man?

A. It was about 2 o'clock afternoon, and he used to come again and talk in the morning, between 9 and 10, and in the afternoon between 2 and 3.

Q. What time did he talk to Ernie?

A. You want to know what month, what day?

Q. What day.

A. I don't know the month, it was in June, in June, he went around.

Q. Do you know how many times he talked to Ernie?

A. Yes, for about three months, for about three months he didn't talk to nobody, he didn't ask nobody to join the independent.

Q. (By Mr. Seyfarth.) How far away from you does Ernie work?

A. He works right side of me, it would be five paces from me, about five feet.

Q. Five feet?

A. About five feet from me, from my bench. That is the way I figure.

Q. Were you working at the time he had this conversation with Ernie?

941 A. Sure, I was.

Q. You just happened to listen in on it?

A. I can't listen in when I work in the shop. We can't listen, otherwise we can't hold the job.

Q. You can't listen in?

A. When I got my mind on my work, with all the

things in the shop, it is not like here, but with all the things in the shop, I can't hear all he said, I can't do that.

Q. (By Trial Examiner McCarthy.) How do you know this man said that to Ernie?

A. Because the fellows told me.

Q. I don't care about the other fellows, what about Ernie?

A. He told me.

Q. You didn't hear it?

A. I will tell you, around the shop we can't understand like we are here, because I have my mind on the job, I can't listen to what somebody else said.

Mr. Wham: I would like to move to strike all of this as hearsay testimony.

Trial Examiner McCarthy: Overruled. This is what he means, that is what Ernie told him.

Q. (By Mr. Seyfarth.) But you did not hear what he said to Ernie, is that it?

A. No, I have my mind on my job, and there is too much noise, I can't hear it.

942 Q. At the time when Ernie told you this, was it when there was not much noise?

A. It was noise all day long, from the start to the quitting time.

Q. At noon, there was no noise, was there?

A. He didn't come during noon hour, he come during working hours.

Q. When did you talk to Ernie, during the noon hour or after work?

A. I talked to Ernie the noon hour.

Q. Is that right?

A. When there was no noise, when we were through working.

Q. When there was no noise Ernie told you about it?

A. Yes, when we were not working any more.

Q. Did anybody ever ask you to join the independent union?

A. No, I told you no.

Q. That is a fact, nobody asked you to join?

A. That is a fact, I told them I belong to the C. I. O., and they don't bother me.

Q. They didn't bother you?

A. No.

Q. They didn't think you would be a prospective member?

A. The trouble with some of those guys they don't understand nothing, they don't know what it is all about.

Some of them, they sign for independent same time 943 they sign for the C. I. O. Some guys sign four or five times, they don't know what they were doing.

Q. There was a lot of rivalry there?

A. There was a lot scared about their jobs, they sign because they were afraid they would lose their jobs.

Q. Who told you that?

A. Everybody in the plant, all of them, they were signing for the independent.

Q. Who told you that?

A. I can't say all the names because I don't know all the names. They don't know my name, I don't know their names.

Q. You say children were present at this meeting of the independent union?

A. Yes, sir.

Q. Did you see children there?

A. Yes, young kids, about one-third woman, the ladies.

Q. A third of those present were ladies?

A. About a third.

Q. Were they the wives of the workers?

A. Well, how do I know? Do you think everybody that works in the shop I know their wives and daughters?

Trial Examiner McCarthy: If you don't know, say you don't know.

A. I don't know.

Q. (By Mr. Seyfarth.) Were children there also? 944 A. Yes. I don't know whether they belong to them or belong to somebody else.

Q. Do you suppose the children who came there came there with their fathers and mothers?

A. They were with their mothers, I don't know about the fathers. They have so many mothers, I don't know about the fathers.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Do you know a man by the name of Charlie Grenis?

A. Yes.

Q. Who is he?

A. He is the foreman of the sprocket floor.

Q. You worked near the sprocket floor?

A. He is the foreman of the sprocket molders on the sprocket floor.

Q. Did you work near the sprocket floor?

A. Yes, I did.

Q. Did you see Charlie Grenis present at that meeting?

A. I saw him at the meeting, in that independent union meeting.

Q. Where was he?

A. That was on the 31st—

Trial Examiner McCarthy: No.

Q. (By Mr. Seyfarth.) Whereabouts in the hall 945 did you see him?

A. Do you mean what hall they hold the meeting in?

Trial Examiner McCarthy: No, he wants to know what part of the hall he was in.

A. He was right in the middle of the hall.

Q. (By Mr. Seyfarth.) In the middle of the hall?

A. He was that close to what you call him, the stage, maybe a little closer, I can't tell you.

Q. He was not on the stage?

A. No, he was not on the stage, he was sitting in the back seat like I was myself, he was sitting three or four seats ahead of me. He don't know me, he didn't see me.

Q. Was there anybody on the stage?

A. What do you mean, speakers?

Q. (By Trial Examiner McCarthy.) Who was on the stage?

A. The speakers were, that is all.

Q. How many?

A. Two speakers.

Q. Just two people on the stage?

A. Just two people on the stage, yes.

Q. (By Mr. Seyfarth.) When did you start working for the Link Belt Company?

A. I started 1936, I think about the middle of April.

Q. You are still working there, aren't you?

A. As far as I know, I was not laid off up to the 946 present time.

Q. You haven't been laid off?

A. No.

Q. What do you make an hour?

A. My rate runs an average of 62 cents an hour.

Q. How much did you get when you started working for the Link Belt Company, per hour?

A. I was getting 46.

Mr. Reynolds: I object on the ground that the question is immaterial.

Trial Examiner McCarthy: What is the purpose of this?

Mr. Seyfarth: I don't know what the basis of the direct examination was, this man is still working there.

Trial Examiner McCarthy: We are now on cross.

Mr. Seyfarth: Pardon me.

Trial Examiner McCarthy: We are now on cross. What is the purpose of the question?

Mr. Seyfarth: I would like to know how much he is getting an hour, to find out whether he is being discriminated against in any way.

Mr. Reynolds: I did not ask him that.

Trial Examiner McCarthy: Objection overruled.

Mr. Seyfarth: I move, Mr. Examiner, that the testimony of the witness be stricken.

Trial Examiner McCarthy: Overruled.

947 Mr. Seyfarth: It is not connected up in any way with the company.

Mr. Reynolds: There is no claim that this man is being discriminated against.

Q. (By Mr. Seyfarth.) When did you leave your job as a molder's helper and go on the bench?

A. On the molding?

Q. Yes.

A. That was in 1937—I mean in 1936, it was in about August.

Q. August?

A. August or September, I don't know just exactly what month it was. I was a molder's helper for about four or five months, something like that.

Q. Is this bench job you have now a better job?

A. The molder—

Trial Examiner McCarthy: Just a minute, objection sustained.

Mr. Seyfarth: Now, Mr. Examiner, I object to your assuming an objection has been made by counsel.

Trial Examiner McCarthy: The Examiner rejects the testimony.

Mr. Seyfarth: I submit that counsel ought to be able to try his own case here.

Mr. Reynolds: I made the objection once, and you 948 asked him the same kind of a question.

Mr. Seyfarth: I want to know whether a bench molder's job, a job of making loose castings at a bench is better than a molder's helper's job.

Trial Examiner McCarthy: Is that material to this case?

The Witness: All jobs—

Trial Examiner McCarthy: Wait a minute. Is that material?

Mr. Seyfarth: I think that is material as to what this witness has testified to.

Mr. Reynolds: In what way?

Mr. Seyfarth: You asked him what he did and he said he was a molder's helper.

Trial Examiner McCarthy: To show that he works for the plant, I suppose.

Mr. Reynolds: That is the only purpose of it.

The Witness: All the jobs—

Trial Examiner McCarthy: Wait a minute.

Mr. Seyfarth: I take it that the witness has been ordered not to answer the question.

Trial Examiner McCarthy: That is correct.

Mr. Seyfarth: I except. That is all.

Cross-Examination.

Q. (By Mr. Wham.) What did you say your name is?

949 A. Dominick Pronsktes.

Q. Spell your last name.

A. P-r-o-n-s-k-t-e-s.

Q. Where did you sit in that meeting?

A. I was sitting in the meeting, in the same hall that the rest of them were.

Q. I assume you were in the hall. Whereabouts in the hall?

A. Right in the middle of the hall.

Q. In the middle of the room?

A. Yes.

Q. Which side of the hall were you on?

A. It was on the right side, on the south side to the right hand, as you face the stage. The hall is facing west and east. I was sitting on the south side and I was facing the stage.

Q. You say there were a good many persons there?

A. What do you mean, how many people?

Q. (By Trial Examiner McCarthy.) How many people?

A. I said before there was between 200 and 250, I didn't count them exactly.

Trial Examiner McCarthy: That is near enough.

Q. (By Mr. Wham.) Was the hall full or half full?

A. It was about half full or maybe a little more than that.

Q. Where did the women and children sit?

A. What is that?

950 Q. (By Trial Examiner McCarthy.) Where did the women and children sit?

A. They were mixed up with the rest of the people, with the men. Most of them were sitting in the back of the hall.

Q. (By Mr. Wham.) Most of them in the back?

A. Yes, some of them was mixed up in the front with the rest of the men.

Q. How far back were they sitting?

A. The woman?

Q. What?

A. Who, the woman?

Q. The women and children.

A. How do I know? That is a funny question to ask.

Trial Examiner McCarthy: The witness says they were sitting at the back of the hall and mixed up with the men.

Q. (By Mr. Wham.) You say that the hall was only half full?

A. Maybe a little more than half full. In the first place, I don't have my mind to count how many people there was, and it never came to my mind that I would have to appear and testify about the people who were in the place, involved in that meeting that night.

Q. You have answered the question. How did you come to the conclusion that a third of the people there were women and children?

A. I just looked at the seats; some were empty
951 seats, and about one-third was filled—I mean about three-thirds was filled and one-quarter was empty.

Trial Examiner McCarthy: The attorney wants to know on what basis you estimated there were one-third women.

A. Yes, about a third woman.

Q. You said about a third were women, he wants to know why you think so.

A. Because there was a lot of woman there. I didn't count exactly how many; I would say that, I didn't count them.

Q. (By Mr. Wham.) Were you there at the beginning of the meeting?

A. Yes, sir.

Q. Were you there all the way through?

A. I was until the argument started and the meeting disappeared. There was no finish, there was a start but they didn't have no finish, no start really, and no finish.

Q. No beginning and no end?

A. No.

Q. You say there was a vote taken of some kind?

A. There was a vote to vote for the independent union; and at the same time some raised their hands, some of them didn't understand what it was all about. Some of them were standing up, and some were sitting down like I was. There was nothing to put on the books, there was nothing, just a group of people.

Q. Just a big commotion, is that it?

952 A. What?

Q. Just a lot of commotion?

A. That is all, they didn't have nothing to start, nothing to finish it.

Q. When did you join the C. I. O.?

A. I joined on the 27th, that was in April.

Q. April, 1937?

A. The 27th, they don't have thirty-seven days in a month.

Trial Examiner McCarthy: I thought you said 1937.

A. No, 1937, the 27th of April.

Q. (By Mr. Wham.) You were a member of the C. I. O. at the time you attended that meeting?

A. Yes, sir.

Q. And there were several members of the C. I. O. there, weren't there?

A. I think so.

Q. What?

A. I say I think so, I don't know for sure.

Q. Don't you know that?

A. No.

Q. You know Fred Johnson, don't you?

A. Yes, I know Fred Johnson.

Q. And you know Paul Bozurich?

A. Yes.

Q. Who else was there that belonged to the C. I. O.?

953 Q. (By Trial Examiner McCarthy.) Do you know that they belonged to the C. I. O.?

A. Yes, I know Paul belongs to C. I. O., and Johnson belongs to the C. I. O. because we were to the meetings together.

Q. You know Johnson?

A. Yes, I know Johnson, he is an electrician.

Q. (By Mr. Wham.) Who else was there that belonged to the C. I. O.?

A. I don't know the rest of them.

Q. There were some more, were there not?

A. How?

Q. There were some more, were there not?

Q. (By Trial Examiner McCarthy.) There were more?

A. Maybe there was, but I don't know.

Q. (By Mr. Wham.) Did you ever solicit there for C. I. O. membership?

A. No.

Q. Did you ever talk to anybody about the C. I. O.?

A. I used to tell them that the C. I. O. was the right kind of union, on my own time, not during working hours.

Q. You always did that on your own time?

A. Yes.

Q. Did anybody ever talk to you about the C. I. O. in the plant?

A. The organizers were talking to me, but when 954 they told me it was always on their own time, not on what you call the company time, not in working hours.

Q. There was considerable talk about the C. I. O., was there not?

A. That the C. I. O. was a better organization than the independent union, because I don't think the independent union in my opinion is no union, no kind of union.

Q. Besides what you think about it, wasn't there considerable talk going around there about the union, the C. I. O. and others?

A. The other union, like the independent union, they used to go around during working hours and they used to make them, try to force them to join the union.

Q. Who?

A. I told you before, how many times do I have to tell that in the first place?

Q. Now, Dominick, you told of one instance of somebody trying to force an employee out there to join the union.

A. Yes, I told you before, and I can show you the man. If you will take me out to the place, I can show you every one, I don't know their names.

Q. Name one.

A. You have their names.

Q. (By Trial Examiner McCarthy.) Did he try to force Ernie?

A. Yes, sir.

955 Q. Did he try to force Peanuts?

A. Yes, sir.

Q. Did he try to force Albert?

A. Yes, sir.

Q. (By Mr. Wham.) Who tried to do that?

A. The same fellow before, you got the name.

Q. From the pattern shop?

A. Yes.

Q. You were there?

A. I was there working.

Q. Did you hear what he said?

A. He said: I can't hear nothing in the place in the working hours because there is so much noise. In the second place, I had to do my work, I can't hear what they say, I can't stop to listen.

Q. The only way you know is what Ernie, Peanuts and Albert told you?

A. No.

Q. Do you know the last names of Ernie, Peanuts and Albert?

A. No.

Trial Examiner McCarthy: Wasn't it covered by respondent's counsel in his cross-examination? Isn't this repetition?

Mr. Wham: I don't think so. There is bound to be a certain amount of overlapping here.

956 Trial Examiner McCarthy: A certain amount of overlapping can't be helped, but if it is repetition it will be ruled out.

Mr. Wham: Well, there is repetition sometimes but I have to take the witnesses as I find them, I can't just let it go without asking these questions.

Trial Examiner McCarthy: If you will develop a new subject you can proceed. If you are covering the same ground that the respondent counsel has already covered, it will be ruled out.

Mr. Wham: May I renew my motion to strike his testimony as hearsay, that is, the testimony that came to him through Ernie, Peanuts and Albert, and others of that character.

Trial Examiner McCarthy: Objection overruled.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

(Witness excused.)

STANLEY BALCAUSKI, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address.
A. Stanley Balcauski.

957 Q. Are you employed at the Link Belt Company?
A. Yes, sir.

Q. Are you working there now?

A. No, sir.

Q. What was the last date on which you worked?

A. I don't get you.

Q. When was the last date that you worked for the Link Belt Company?

A. November 17th.

Q. Prior to November 17th, how long had you worked for the company?

A. I still don't get you.

Q. Before November 17th how long had you worked for the Link Belt Company, how many years, how many months?

Q. (By Trial Examiner McCarthy.) When did you first start to work for the Link Belt Company?

A. I started 1936.

Q. (By Mr. Reynolds.) What month?

A. It was in May, May the 1st.

Q. (By Trial Examiner McCarthy.) What kind of work do you do there?

A. Core maker.

Q. Core maker?

A. Yes, sir.

Q. (By Mr. Reynolds.) And have you done that
958 all the time while you were working there?

A. Yes, sir.

Q. You were always in the core making department?

A. That is right.

Q. Are you a member of the C. I. O.?

A. That is right.

Q. When did you join the C. I. O.?

A. I imagine it was the first month before May, what is that month?

Q. April?

A. April.

Q. Of what year, last year, 1937?

A. I couldn't say exactly what day it was.

Q. The year.

Q. (By Trial Examiner McCarthy.) No, the year. Was it last year or two years ago?

A. I first joined in 1936, about two months after I started to work.

Q. (By Mr. Reynolds.) Who asked you to join at that time?

A. A fellow by the name of Frank Lackhouse.

Q. Then did you sign up again later on?

A. I didn't sign no more, I signed one, and that is all.

Q. Now, do you remember that another union started in at the Link Belt Company later?

A. No, sir.

959 Q. Did you ever hear of the independent union?

A. Yes, sir.

Q. Do you recall when solicitation for the independent began?

Q. (By Trial Examiner McCarthy.) Do you understand what "solicitation" means?

A. No, sir.

Q. (By Mr. Reynolds.) Do you remember when men started to ask employees to join the independent?

A. Yes, sir.

Mr. Seyfarth: I object to that question, it presupposes an answer.

Trial Examiner McCarthy: The witness does not understand what "solicitation" means, so I think it is fair to state it in as simple terms as possible.

Mr. Seyfarth: It presupposes that there was solicitation.

The Witness: That is a word too high for me.

Trial Examiner McCarthy: You may answer.

Q. (By Mr. Reynolds.) Did you ever go to a meeting of the independent union?

A. To the first meeting, yes, sir.

Q. How did you happen to go?

A. Well, the fellows were kind of—were given a sort of little tickets like this (indicating) like passes.
960 They were distributed during working hours, inviting everybody to come in the meeting.

Q. And you attended the meeting?

A. Yes, sir.

Q. Do you remember about what happened at the meeting?

A. There were a couple of—

Mr. Wham: If anything.

Mr. Reynolds: Go ahead.

A. There were a couple of speakers, and one man stood up and he opened the meeting, and they started the meeting, and they had a talk what they were going to do about it, on what basis they are going to start to organize some independent craftsmen's union. I can't recall what this fellow's name was. He was either a lawyer or some kind of a man, I don't know what his name was, that speaker.

Q. Do you remember what he said?

A. Why, he said lots about it, but I can't tell, I can't remember all he said. He said one thing—he says that this is the independent craftsmen's union and it is organizing for better, some better conditions, something like that, and to protect from the C. I. O. He said if the C. I. O. will go in you can get a telephone call, or something like that, and they call you out on a strike; and he says that it is better to join the independent craftsmen's union, and we are going to have so-called bargaining with the company. They didn't say anything—I can't remember anything else.

Q. Do you remember whether any action was taken at the meeting, any vote or anything of that kind?

A. Yes, they started, they just about started you know a kind of action and a couple of fellows stood up and they wanted to have the floor, and then somebody objected, and then they started going sort of all mixed up, or out of order, see. So when I see them starting going out of order I just left.

Q. Now, after that meeting did anyone ask you to join the independent union craftsmen?

A. Yes, sir.

Q. Who did and where was it done?

A. Right on my job.

Q. Who asked you?

A. By name a fellow Kowatch: He is a checker on intake on the patterns, where they bring them from the pattern shop into the office that goes into the foundry. I don't know exactly what this job is. But he comes down to me, it was about 11 o'clock, I can't recollect the day, but he come to me and says, "Well," he says, "don't be a fool and go along with the C. I. O., join with us, with the independent craftsmen's union." Then I said to him this, I said, "I don't see any reason why I should join in another union when I am already in one union."

962 Q. Did he say anything more then?

A. So he told me, he says this, he says, "You are a pretty smart fellow," he says, "if you go along with us, why should you care for the men, why should you work like that?" he says, "don't be a sucker."

Q. Then what did you say?

A. I says, "That is all right, I will be as I am," and I didn't join. I said, "I don't want to join the independent craftsmen's union."

Q. Did anyone else ask you after that?

A. By name a fellow Splitz—what is his name, the foreman's name, they call him Splitz. He is a fellow—he is working on shoes. Do you know what I mean, the shoes, the steam shovel shoes, you know, where the wheels go on. He is foreman of all that. Then they make him other kinds of job on the same floor, see. So he told me this—and I seen myself that he did go at that time to some fellows that can't sign their name, and he took and signed with his own hand, a couple of men working there. He told them, "If you don't sign up"—I heard it with my own ears—he said, "you are going to get out of here."

So after that I bring the cores over to his floor from the core room, and after I got through with the cores—do you understand what I mean—and he walks up to me and he says, "Stanley," he says, "why don't you join in the C. I. O."—

963 Q. Now, what did you say?

A. He walked to me and he said, "Stanley, why don't you join in the C. I. O."—I mean this here, the independent craftsmen's union. I said, "I am already with the C. I. O." He says, "The hell with the C. I. O." He says, "Join in with the craftsmen's union." He says, "We are going to have our union." Then I repeated, I says, "Do you know under the Wagner Law that is not allowed for the foreman to go and organize the working men on the company time or on his own time?" He told me this, he said, "To hell with that." So I says, "If you want to sign up independent, go ahead, I ain't going to waste my time." And I walked away.

Q. Did anybody else ask you after that to join the independent union of craftsmen?

A. Yes, a fellow in the office, I can't recall his name, I can't recall his name, but he works in the office, taking orders, and he come out once before noontime. He was going around the men and asking the fellows, see, to join

the independent craftsmen's union, and he walked up to me and he asked me and I told him no.

Q. Now, were you active in the C. I. O., Stanley?

A. That is right.

Q. Did you hold any position in the C. I. O. Union?

A. That is right.

Q. What was it?

964 A. I was a guide.

Q. (By Trial Examiner McCarthy.) Guide?

A. Yes, guide.

Q. G-u-i-d-e?

A. Yes.

Q. (By Mr. Reynolds.) A guard, you mean?

A. A guard, that takes care of some misunderstandings that comes up or somebody comes in not a member, something like that, see. And I was a steward.

Q. You were a steward?

A. Yes.

Q. Now, when did you become a steward?

A. Well, when we had an election for the stewards.

Q. What were your duties as steward?

A. To collect the dues.

Q. (By Trial Examiner McCarthy.) Any other duties?

A. No.

Q. Is that all a steward does, collects dues?

A. Collects dues.

Q. What else?

A. To represent the organization.

Q. (By Mr. Reynolds.) When did you do this work of collecting dues?

A. On my own time, coming in, and noontime and after work.

Q. Now, did you see stewards of the independent
965 union collecting dues?

A. Yes, sir, I did.

Q. Who did you see doing that?

A. I see, the name is—a colored fellow, his name is Julius.

Q. Is he a molder?

A. Yes, he is working on the south end.

Q. Is that Julius Robinson?

A. I couldn't say what his last name is, I think really his first name is Julius or Robinson. It is Julius or Robinson, I don't know.

Q. Now, when did Julius collect dues?

A. He used to collect on the payday, I seen him collect-
ing them on the payday, on Thursdays.

Q. What?

A. On the payday, on Thursdays.

Q. On Thursday?

A. Yes.

Q. What time of the day would he do this?

A. After noon.

Q. After noon?

A. Yes, about 2 o'clock, some time like that, I used to
see him walking around, and he had a little stamp like
that (indicating) and an ink pad; and he opened up the
pad and he walked up to the member and the member
966 pays half a dollar and he takes that and stamps it.

Q. (By Trial Examiner McCarthy.) What does
he stamp?

A. The book.

Q. He has got a book?

A. Yes, the membership book, the fellow that is a mem-
ber in the independent craftsmen's union; and he is col-
lecting dues and he stamps it when he collects it.

Q. (By Mr. Reynolds.) Now, is 2 o'clock during work-
ing hours?

A. Yes.

Q. And he makes a collecting during working hours?

A. That is right, yes, I see him once doing that.

Q. Now, did the C. I. O. give you anything to indicate
that you were a steward?

A. What is that?

Q. Did they give you a button or anything like that?

A. Yes, they gave me a button.

Q. Do you have it here? (Witness exhibits button.)
Did you wear that after you got it?

A. I usually wear it over here (indicating) and on my
hat.

Q. (By Trial Examiner McCarthy.) On your belt or
on your hat?

A. That is right.

Q. (By Mr. Reynolds.) Now, Mr. Balcauski, when did
you get that steward tag?

967 A. I got that like—what is this first month before
November?

Q. October?

A. October. I got it at October, in the middle of Oc-
tober.

Q. In the middle of October?

A. Something like that.

Q. (By Trial Examiner McCarthy.) This last year, 1937?

A. 1937.

Q. (By Mr. Reynolds.) And did you wear it in the shop after that?

A. That is right.

Q. Now, what was the last day that you worked there?

A. November 17th, the day that I got laid off.

Q. Did you collect dues at the time you were wearing this button?

A. That is right.

Q. Did anybody say anything to you about it?

A. They did.

Q. Who, and when?

A. I think it was—I couldn't tell the right day, I think it was November 8th.

Q. November 8th?

A. Yes.

Q. Who spoke to you?

A. Mr. Skeets.

968 Q. And who is he?

A. He is the foundry superintendent.

Q. What did he say?

A. Well, he told me this, he walked up to me, and it was twenty-five minutes to ten—

Q. In the morning?

A. In the morning, yes, he walked up to me and said this, he says, "I got orders to tell you not to collect dues either on your own time or on the company property." So I asked him this question, I says, "Can't I even collect on my own time?" He says, "No." Then I repeat, I says, "The independent craftsmen's union's stewards are collecting." He says this, "If I catch him anyone, I am going to fire him."

Q. (By Trial Examiner McCarthy.) He was going to fire the independent collector?

A. Either one.

Q. (By Mr. Reynolds.) And did you say anything more?

A. No, what can I say.

Q. Now, what happened on November 17th?

A. I got laid off.

Q. Now, describe how it happened, who told you and what was said.

A. Well, I came in in the morning and started to work.

I worked one hour on my bench. I finished that job and went back to the pattern shop to get some core boxes 969 for my job, and the fellow by the name of Mike, he is a foreman—I don't know whether he is a foreman now—he says, "There is nothing to do now. So—"

Q. (By Trial Examiner McCarthy.) He said that to you?

A. Yes, he said, "There is nothing to do." So I walked into the superintendent, and the superintendent told me—

Q. Who is the superintendent?

A. Mr. Skeets. I told him, and he gave me a job wheeling sand from the sand pit up there on the sprocket floor, the new side floor. So I worked all day, and it was after 3 o'clock—it was 3 o'clock I got a notice to go in the office, Mr. Skeets wanted to see me, by a fellow named Al. I came in and he told me this, "Well, Mr. Stanley, I am sorry, I have to lay you off." He said, "If we are going to have anything open, we will let you know." So I didn't say nothing any more, and I was laid off.

Q. (By Mr. Reynolds.) And you went home then?

A. That is right.

Q. Now, were there any employees doing the same kind of work that you were that started with the company after you did?

A. Yes, there was a fellow by the name of Walker, Steve Walker, something like that, who worked with me the same day, see; and I think he only got about four or five months, maybe less, seniority in the plant.

970 Q. Is that Walker or Parker?

A. Parker or Walker, I can't recall his name, see. When I worked with him that day I says, "Well," I says, "It is getting kind of dull." He says, "I won't get laid off." I says, "How do you know?" He told me this, "My father is independent craftsmen's lawyer."

Q. Who was the other men with less seniority than you?

A. I can't remember the names, sir.

Q. (By Trial Examiner McCarthy.) How many?

A. About two or three.

Q. That is, in the core room?

A. That is right.

Q. Or in the foundry?

A. In the core room.

Q. (By Mr. Reynolds.) Do you remember the first or the second names of those other men?

A. This fellow named—the last name, that is his fath-

er—it is Walker or something like that, I don't know what really is the last name.

Q. Parker?

A. Parker, Parker or Walker.

Q. It is the other one that I want to know about.

A. And a fellow named Stanley.

Q. Stanley.

A. Yes. I don't know exactly how much seniority 971 he has, but at the time I started to work I didn't see them working there. I worked there for four days, and I got pleurisy, sick, and I was laid off in the hospital for two weeks, and then when I came back I found them there working.

Q. You found Stanley working?

A. Yes.

Q. Did you make a statement in which you wrote out the names of these two men, after you left the plant?

A. I did, yes, I gave them to the C. I. O. president.

Q. If I were to show you that statement, would you remember the names of the men then?

A. I would.

Q. I show you this letter size paper and ask you if you prepared that? (Handing document to the witness.)

Mr. Seyfarth: I take it that this is for purposes of refreshing his recollection.

The Witness: Yes, Stanley Miller working in the core room, and Norman Parker.

Q. (By Mr. Reynolds.) Parker?

A. Parker, and he is fixing cores at that time, and as for Parker, he worked with me wheeling sand with me together, and he told me that his father is a lawyer.

Trial Examiner McCarthy: You have already said that.

Mr. Wham: Norman Parker, is that?

Mr. Reynolds: Yes.

972 Q. (By Mr. Reynolds.) Have you ever been called back to work?

A. No, I went over there once looking for a job.

Q. Who did you see?

A. Stanley.

Q. (By Trial Examiner McCarthy.) At the employment office?

A. Yes. I told him I come in there to look for a job. I asked him for it. He told me this: "You are smart enough, you don't have to come here, you read the papers." I asked him, "What do you mean?" "If you read the pa-

pers," he says, "you are smart enough to find out by yourself," he said, "there is nothing doing for you here."

Q. (By Mr. Reynolds.) That is the only time you went over there?

A. Yes, it was on February 11th, I think it was, 1938.

Q. Now, how much money did you make while you were working for the Link Belt?

Q. (By Trial Examiner McCarthy.) What did you understand Stanley meant when he said that?

A. I can't understand what he meant by that.

Q. (By Mr. Reynolds.) What were your earnings at the Link Belt?

A. I started there at 45 cents an hour.

Q. And did you get that all the way through?

A. Then I went to Mr. Skeets and asked for a raise, 973 and I got five cents. Then after a while all the plant was getting a raise, and I got a raise up to sixty something, sixty-two and a half or sixty-three, I couldn't tell you it, and then when the craftsmen's union came in, they got on the bulletin board—they said it was already recommended by the company, and that so-called bargaining, then they gave a raise of five cents.

Q. Then you were getting how much?

A. That would be sixty-eight.

Q. Sixty-eight?

A. Yes.

Q. That is what you were getting at the time you were discharged?

A. Yes.

Q. How many hours a week were you working?

A. Forty.

Q. Forty hours a week?

A. Yes, when we were busy we used to work a little more, eight or nine hours.

Q. Now, since you left on November 17th have you had any other jobs?

A. Yes.

Q. Where?

A. I got a job at Armour & Company.

Q. When?

974 A. I got the job, I think it was November 28th, something like that, or the 25th.

Q. November 25th?

A. Yes.

Q. Are you still working for Armour?

A. No.

Q. How long did you work for Armour after November 25th?

A. I worked there a week at the time I started on the 25th, and I got laid off, and then I was off two weeks again and got hired again and I worked for four weeks, then I got laid off, and then I got hired again and I worked for two weeks, and then I got laid off about February 9th.

Q. And you have been working since?

A. I worked for the W. P. A., I work for the W. P. A. now.

Q. You worked altogether about seven weeks for Armour, is that right?

A. Seven or eight weeks, something like that.

Q. How much money did you make while you were working for Armour?

A. Sixty-two and one-half cents an hour.

Q. Sixty-two and one-half cents. How many hours a week?

A. Sometimes thirty-five hours, some weeks, and some weeks I make forty hours, and the first week that I started I made only nineteen hours.

Q. Now, would you have any way of determining how many hours you worked altogether for Armour & Company? Do you have any record?

Trial Examiner McCarthy: Was that Armour & Company?

Mr. Reynolds: Yes.

Q. (By Trial Examiner McCarthy.) Will Armour & Company give you a statement of how long you worked there and how much you earned?

A. Well, I don't know about that, sir.

Q. To help you, won't they give you a statement?

A. I don't understand.

Q. Won't they give you a paper to say how many hours you worked and what the pay was?

A. They don't give you that.

Q. I believe they will if you ask them. You go back to Armour and ask them for a paper to show how much money you earned by your employment. The employment office or the cashier will give you a statement showing how much money they paid you.

A. What chance have I got to go there?

Q. Why not?

A. If I go there, as I am laid off again, and I go and ask him, the first thing they will ask, "What reason do you want to know that?"

Q. That is all right.

A. I have got to tell this and that. If they don't give you a list, if you don't have something to show to the timekeeper, if you don't have a definite notice, you can't get in there because they have police and everything else over there, and they don't let you in there. They tell you to get out, that is all.

Mr. Reynolds: I may be able to get that.

Q. (By Mr. Reynolds.) What time did you start working for the W. P. A.?

A. I started the 24th of last month.

Q. 24th of February?

A. Yes, sir.

Q. And have you had any pay checks yet?

A. I am getting some today, I got some coming today.

Q. How much have you coming today?

A. I got for fourteen hours coming, and I got for fifty-five hours—sixty-nine hours.

Q. Sixty-nine hours altogether?

A. Yes, sir.

Q. How much do you make an hour on that?

A. Fifty cents.

Q. Fifty cents?

A. Yes.

Trial Examiner McCarthy: Mr. Reynolds, in connection with that subject as we discussed yesterday, whether the W. P. A. statements are deductible, that is only home relief statements which are not deductible.

Mr. Reynolds: Thank you.

Q. (By Mr. Reynolds.) Do you want to be reinstated on your job at the Link Belt?

A. I do.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: We will recess for five minutes. Just a minute, before we do, Mr. Wham, have you seen Section 14 of the Board's rules and regulations, regarding intervention, that you should file a motion, four copies?

Mr. Wham: I have.

Trial Examiner McCarthy: I am sorry, but I don't see it in here.

Mr. Wham: I also filed a copy of the motion for intervention with—on all parties.

Trial Examiner McCarthy: That is the proper procedure. I don't see it here.

Mr. Reynolds: Oh, yes, I introduced that as one of the parts of exhibit 1.

Trial Examiner McCarthy: All right, we will recess for five minutes.

(Thereupon a brief recess was taken.)

Trial Examiner McCarthy: You may proceed.

Cross-Examination.

Q. (By Mr. Seyfarth.) You say you are a core 978 maker at the Link Belt Company?

A. That is right.

Q. What kind of cores do you make?

A. I make all kinds of cores.

Q. Are there different kinds of cores?

A. Well, there is bench coremakers and floor coremakers.

Q. Are there any coremakers who make a certain type of core?

A. That is the floor coremaker.

Q. The floor coremaker?

A. I was a floor coremaker, and I worked—I can't recollect—on the plate machines, making wheels for track rollers.

Q. (By Trial Examiner McCarthy.) Is that on the bench?

A. No.

Q. On the floor?

A. On the floor.

Q. (By Mr. Seyfarth.) What are track rollers?

A. Track rollers, that goes for one—for the steam shovels—what you call—

Q. Caterpillar tractor?

A. May I state it now this way?

Q. Go right ahead.

A. On these steam shovels is—you see, the way the shovel is built—they ain't ever built steam shovels in the Link Belt, but they make them parts, and they have 979 shoes on those wheels, see; and when the shovel moves we have wheels to handle that roller. I couldn't tell you exactly how many goes on each one shovel, see, but I think it is four on each side.

Q. Now, is there such a thing as a steel coremaker and an iron coremaker?

A. Yes, sir.

Q. What kind of coremaking did you do, steel or iron?

A. Steel—I make track rollers, some of steel, and put the black sand—what is that you call it—half and half, and the other one is mixed a little steel and light sand. We have to give it—first you put the steel sand, the facing in.

Q. Yes.

A. Then you put that black sand, and after you get it up in the middle you put in the black sand or this here half and half.

Q. In connection with the steel cores?

A. In connection with the steel cores, because the black sand—

Trial Examiner McCarthy: We understand. Just answer the attorney's questions, just try to answer his questions.

Q. (By Mr. Seyfarth.) Did you make iron cores also?

A. I did.

Q. How long did you make iron cores?

980 A. Well, we got it every day; get some steel and get some iron. If we finish a job, we finish that together, and we get iron, and maybe we get the steel.

Q. Did you make the smaller cores as a general rule?

A. I did.

Q. You joined the C. I. O. in 1936?

A. That is right.

Q. Was it July of 1936?

A. I couldn't remember the time.

Q. Was it in the summer of 1936?

A. That is about the time, yes.

Q. Would you say that it was either in June or July of 1936?

A. I said that I couldn't recall the time, sir.

Q. Fix it as closely as you can. Would you say it was either July, or September of 1936?

Mr. Reynolds: I object, if the Examiner please.

Trial Examiner McCarthy: He said about two months after he started to work, and he started to work in May.

The Witness: Two months.

Q. (By Mr. Seyfarth.) That would make it July, if I am correct in my computation. You now say it was July, 1936, that you joined in July?

A. About two months after I started work.

Q. Answer my question. Is that July?

981 Trial Examiner McCarthy: He has answered it.

Mr. Seyfarth: I would like to have him state it for the record.

Trial Examiner McCarthy: The witness is having a little difficulty with English.

Q. (By Mr. Seyfarth.) You were asked to join by Frank Lackhouse?

A. That is right.

Q. Were you given an invitation to attend the meeting of the independent union?

A. Yes, sir.

Q. You were given that invitation in the plant?

A. Yes, sir.

Q. Who gave it to you?

A. I don't know what is that fellow's name.

Q. Did he work in your department?

A. No, sir, he is working somewhere in the machine shop or the steel shop, he comes in the foundry.

Q. Had you ever seen him before?

A. I seen him a lot of times coming in the office, I don't know who he is.

Q. Did he know you?

A. No.

Q. Did you know him?

A. Maybe he just know me like the rest of the work-982 men, but he walked up and gave it to everybody.

Q. He passed them out?

A. That is right.

Q. (By Trial Examiner McCarthy.) What time did they pass them out?

A. It was afternoon.

Q. What time about, if you can remember? If you don't know, say so.

A. It was about 1:30 or 1 o'clock, something like that.

Q. (By Mr. Seyfarth.) Did I understand you to state on your direct examination that the speaker at the meeting of the independent said that we are going to have someone to bargain with the company?

A. That is right.

Q. He made that statement?

A. Yes.

Q. Who was it that made that statement?

A. I don't know who that fellow was.

Q. But that statement was made at the meeting?

A. That is right.

Q. When did you have the conversation with George Kowatch?

A. That was when I was working, when I was working, he came up before noon.

Q. Before noon?

A. That is right.

983 Q. Was there anyone else present?

A. No, he was alone, and he talked when I was working on my bench.

Q. What position does Kowatch hold with the company?

A. He is—I don't know what he is. He takes patterns from the pattern shop into the office, and then he writes tickets on them or something, and he puts orders on how many is supposed to be made.

Q. (By Trial Examiner McCarthy.) Did you say he was a checker on intake of orders?

A. That is right. I don't know exactly what his job is there.

Q. (By Mr. Seyfarth.) He has something to do with orders?

A. That is right.

Q. When was the date of this conversation with Kowatch?

A. I can't recollect.

Q. (By Trial Examiner McCarthy.) Do you know about what time?

A. It was about 2 o'clock.

Q. That is during the day, but do you remember what time of the year?

A. It was 1937.

Q. Spring or fall of 1937, do you remember? You see, the fall of 1937 was last fall. Was it last spring, a year ago?

A. It was, 1937, it was about—what is this here 984 month after—

Q. March, April or May?

A. I think it was either June, some part of June that he come in, I couldn't say for sure, see.

Q. (By Mr. Seyfarth.) And you were working at your bench at that time?

A. That is right.

Q. You had a conversation with Splitz, did you?

A. That is right.

Q. Where did that conversation take place?

A. On the floor when I was making cores after I had finished the mover there on the shelves.

Q. You met Splitz when you were taking the cores to the shelves?

A. That is right.

Q. Whereabouts did you meet him?

A. I told you, on the building.

Q. Was that near the shelves?

A. I was coming from the shelves, I was coming from the core room. The core room is back here (indicating) and this floor is coming down here, see, and the shelf was like that, see.

Q. What time of day or night was it that you talked to Splitz?

A. It was, in the morning.

985 Q. Do you remember what time in the morning?

A. No, sir.

Q. What was the approximate date?

A. If I knew the date I wouldn't know the time, I don't know exactly.

Q. (By Trial Examiner McCarthy.) Was it about the time that Kowatch talked to you? Was it before or after Kowatch talked to you, do you remember?

A. Splitz talked with me first.

Q. Then it is before June, 1937. How long before, do you remember, a couple of months?

A. It might be in the same month, I couldn't say.

Q. (By Mr. Seyfarth.) Was Splitz working on a machine at the time, you say?

A. Sure, he is foreman.

Q. You testified on direct examination Splitz was work on a machine, didn't you?

A. I didn't say such a thing, sir.

Q. The answer to the question is "No?"

A. I told it right when he asked me, and I gave him the answer that I made. Splitz, he runs the shoes for that machine, and he is a foreman over these men.

Q. Now, you said that you didn't say that Splitz was working on a machine at the time you talked to him?

A. I didn't say that before either.

986 Q. What did you say before?

A. I told that, that he is foreman for that floor that is making those shoes and other kinds of things, that is, next to the core room.

Q. And what was Splitz doing?

A. I said he is a foreman, sir.

Q. Yes, but what was he doing when, you talked to him?

A. He was coming towards me, and I stopped, and he asked me about joining the C. I. O.

Q. He was walking down the aisle?

A. Yes, he was coming from the north side to the south.

Q. You now say that he was not working on a machine?

A. I didn't say that in the first place, that he was working on a machine.

Q. That is not the question. Read the question, Mr. Reporter.

(Question read as above recorded.)

Q. Just answer it yes or no.

Q. (By Trial Examiner McCarthy.) Stanley, do the foremen work on the job or do they work around and supervise?

Mr. Seyfarth: If the Examiner pleases—

Trial Examiner McCarthy: Just a minute, just a minute. Do the foremen work on machines? Do they have working foremen out there?

A. I will tell you this much, he takes care of all 987 these men and gives the men the jobs, and then after the molds are made he helps pour the steel in the mold.

Q. He helps pour steel in the molds?

A. Yes, that is what I say he is doing afternoons. He is a foreman.

Q. But he does not work on a machine?

A. No, he does not work on a machine, he shows the men what to do. If a new man comes—

Mr. Seyfarth: If it pleases the Examiner, I wish to object to this constant interruption of my cross-examination which has taken place in the past as well as on this occasion, when I have gotten a witness in a position where there is a discrepancy. I object to it, I think it is prejudicial. I want the witness to answer the question I asked. It is a very plain, simple question, very understandable.

Trial Examiner McCarthy: The Examiner begs to differ with you.

Mr. Seyfarth: May the question be answered?

Trial Examiner McCarthy: I think he stated the man was not working on a machine, if I understand him correctly.

Mr. Seyfarth: I didn't understand him to answer the question. It calls for a yes or no answer.

Q. (By Trial Examiner McCarthy.) Did the foreman work on a machine, did Splitz work on a machine?

988 A. Not that I ever see.

Q. Can you say yes or no?

A. I never see him working, he would show the men what to do, just what I told, the first story, the same thing.

Mr. Seyfarth: My question was directed to the time that he me Splitz, whether Splitz at that time was working on a machine. That can be answered either in the positive or in the negative, and the witness has not yet answered the question.

Trial Examiner McCarthy: Well, the Examiner rules that he has.

Q. (By Mr. Seyfarth.) You said at that time that Splitz asked you to join the independent union?

A. That is right.

Q. And you refused?

A. That is right.

Q. Then, Stanley, Splitz made a remark to you about the C. I. O., is that right?

A. That is right, because I refused to—

Q. Did you tell Splitz something about the Wagner Act?

A. That is right.

Q. What did you tell him?

A. I told him, I said, "You know—" I said, "You know, that you foremen are not allowed to organize," and I said, "The Wagner Law calls for it," and I says "the orders
989 I think they give you."

Q. Did you also say something about organizing on company time or plant property?

A. That is right.

Q. Did you mention that to Splitz?

A. I don't get what you mean, sir.

Q. I say, did you also tell Splitz that the Wagner Act said that he could not organize on company time or plant property?

A. I didn't say about that, I told him that foremen are not allowed to organize.

Q. On company time?

A. Either on company time or anything, for any union, I told him. That is all I told him. He said, "To heck with it."

Q. Was it your understanding that one was not supposed to organize on company time?

A. That is right, and they got the orders too.

Q. That is, anybody, foreman or anybody?

A. The man that is holding a job in the company.

Q. The men who are holding jobs in the company are not supposed to organize on company time?

A. Not the working man, not that I know of.

Q. Were you ever given orders not to organize on company time?

A. It was not getting the orders, but I knew.

990 Q. You knew that you were not allowed to?

A. For my organization they don't.

Q. You knew they were not supposed to organize for anybody on company time?

A. I didn't say that, I am not allowed to.

Q. You thought the others were allowed to but you were not allowed?

A. Either one of us is mixed up.

Q. Neither one are supposed to organize on company time, is that it, Stanley?

Trial Examiner McCarthy: That is what he said. Read that.

(Record read.)

Trial Examiner McCarthy: The witness has answered.

Q. (By Mr. Seyfarth.) I think it is clear that you knew that you were not allowed to organize, that you were not to organize for the C. I. O. on company time?

A. I was not to organize on company time.

Q. I am not saying that you organized on company time, but you knew you were not supposed to.

Mr. Reynolds: I object because it is immaterial, the witness did not organize, whether he knew it or not.

Trial Examiner McCarthy: I think he has answered that.

Mr. Seyfarth: I think that he knew that he was not supposed to.

991 Trial Examiner McCarthy: That is what he said.

Q. (By Mr. Seyfarth.) Do you know who the man was whom you stated worked in the office, who was asking the men to join the independent union during the noon hour?

A. I know him if I see him, but I can't recall his name.

Q. What does he look like?

A. He is a kind of short, baldheaded man.

Q. How old is he?

A. I can't tell his age.

Q. Is he between forty and fifty, or twenty and thirty?

A. I don't know, sir.

Q. Was he a young man or an old man?

A. He must have been over thirty-five.

Trial Examiner McCarthy: Are you trying to identify the man?

Mr. Seyfarth: Yes, I would like to identify him.

Trial Examiner McCarthy: You are going to produce him if you can identify him?

Mr. Seyfarth: If I can identify him, yes.

Trial Examiner McCarthy: How many men are working in this plant?

Mr. Seyfarth: About 700.

Q. (By Mr. Seyfarth.) Was he a young man or an old man, Stanley?

A. He must have been over 35, I think.

992 Q. Was he light or dark complected?

Trial Examiner McCarthy: Well, the Examiner rules that the identification is apparently not specific enough, it is not possible to ascertain with any definiteness from this witness just who it was.

Mr. Seyfarth: As I to take it that we haven't got the right to find out who the man was?

Trial Examiner McCarthy: He just said that he was a worker taking orders there.

Mr. Seyfarth: If the witness is unable to establish the man's identification any further, under the strict rules of evidence, Mr. Examiner, that conversation would not be permitted. I think you will agree with me on that.

Mr. Reynolds: The strict rules of evidence are not controlling in this proceeding.

Mr. Seyfarth: I know it, and for that reason all the more latitude should be allowed our side to controvert that evidence. That is only fair and just.

Trial Examiner McCarthy: If you think this witness can identify him from that description, you may proceed.

Mr. Seyfarth: I may bring him down and ask this man to identify him. I don't want to take these things lightly. A conversation has been given here which certainly casts an aspersion on the company, and we have a right to deny it.

Q. (By Mr. Seyfarth.) Was he light or dark complected?

993 A. Sort of a tan.

Q. What office did he work in?

A. Foundry, at the timekeeper's office.

Q. (By Trial Examiner McCarthy.) Timekeeper's office?

A. Yes, there is a timekeeper working in that office and a man that is checking, they have got everything over there.

Q. (By Mr. Seyfarth.) A timekeeper and a man checking there?

A. Yes.

Mr. Seyfarth: So you see that it is two men that work in that office, and not seven or nine hundred.

Mr. Reynolds: Mr. Examiner, I am in a position to furnish him that man if you want.

Mr. Seyfarth: Why didn't you do it on direct examination then?

Mr. Reynolds: I just now found out.

Mr. Seyfarth: Very well.

Mr. Reynolds: If you want I will tell you.

Mr. Seyfarth: I would like to have the name.

Mr. Reynolds: Mr. Kresge. See if that fits his description.

Q. (By Trial Examiner McCarthy.) Was the man's name Kresge, do you know?

A. That is right, that is the name, Kresge, he worked there.

994 Trial Examiner McCarthy: That is enough, that is all.

Q. (By Mr. Seyfarth.) Where did you wear your C. I. O. steward badge?

Trial Examiner McCarthy: The witness testified that he wore it on his hat and on his belt.

Q. (By Mr. Seyfarth.) When did you get the steward badge?

A. Before November in the middle of the month, I don't recall whether it was the 25th or the 28th.

Q. Now, during those occasions on which you wore it on your belt was it covered up?

A. How can it be covered up when I wear it on my shirt.

Q. On your belt or on your pants?

A. I had it on my shirt.

Q. You didn't wear it on your belt?

Trial Examiner McCarthy: Just a minute. When you wore it on your belt does your coat cover the badge? You don't wear a coat when you work, do you?

A. No, I have some kind of a little jacket, but they could always see it when you put it over, right over here (indicating).

Q. Is that the kind of a jacket that you wear, that you have on now?

A. No, a short tan jacket.

Q. (By Mr. Seyfarth.) It is a short jacket and it does not come down to your waistline?

995 A. No.

Q. Now, you testified to a conversation that you had on November 8, 1937, with Mr. Skeets, I understand.

A. Yes.

Q. Had you been collecting dues on company time prior to that?

A. Not on company time.

Q. What did you say when Mr. Skeets told you not to collect dues for the C. I. O. on company property?

A. I asked him, I said, "Can't I even collect dues when we are collecting on our own time, in the morning or noon hour or after work?"

Q. What did he say?

A. He said no.

Q. He said no?

A. That is right.

Q. Prior to that time had you been collecting dues in the mornings or noon hours?

A. That is what I was doing, before I started to work, at noons and after I am through working.

Q. But you didn't collect any dues at the time you were supposed to be working?

A. No, not when I am working.

Trial Examiner McCarthy: I am sorry to interrupt again, but I think the witness has covered that fully. I 996 would like to speed up the session, otherwise we will have to have a night session and carry on tomorrow afternoon.

Mr. Seyfarth: He had not covered the question as to whether he collected dues during working hours.

Trial Examiner McCarthy: Will you read the answer. Will you go back and see if that is not covered.

(Record read.)

Trial Examiner McCarthy: Now, the Examiner wants to be very fair and impartial, as fair and impartial as possible, but at the same time the hearing is kind of dragging and we will have to speed it up.

Mr. Seyfarth: This witness consumed an hour on direct examination, if the Examiner please, and I have only been at it twenty or twenty-five minutes.

Trial Examiner McCarthy: As long as we can avoid repetition, please try to avoid repetition. If there is anything new, go ahead.

Q. (By Mr. Seyfarth.) Did Skeets say, "If I catch either one of the members of either union collecting dues I will fire them?"

A. Not the steward, any man collecting dues, he will be discharged.

Q. Did you tell Mr. Skeets that you would not collect dues after that?

A. That is right.

997 Q. How many men were employed in the core room where you work, Stanley?

A. I ain't got the record of it.

Q. (By Trial Examiner McCarthy.) How many do you think, give us an estimate.

A. There is quite a few.

Q. About forty men, fifty men, or what?

A. I think it runs about twenty-five or thirty, something like that. They had a night shift, too.

Q. (By Mr. Seyfarth.) Do you know how many men were laid off at the same time you were?

A. I think either four or six, something like that was laid off out of the core room.

Q. Do you know whether or not they started work before or after you?

A. I don't know, sir.

Q. How long have you known Steve Parker?

A. Who?

Q. Parker.

A. Steve Parker?

Trial Examiner McCarthy: I think it is Norman Parker.

Q. (By Mr. Seyfarth.) Norman Parker.

Trial Examiner McCarthy: The fellow who was pushing sand with you, whose father was a lawyer.

A. I know him just while I was working with him.
998 He came in there and started work.

Q. (By Mr. Seyfarth.) What kind of a job was he doing?

Trial Examiner McCarthy: When he started to work?

Mr. Seyfarth: Yes.

A. Well, he was helping on the floor, he used to wash the cores and blacken them.

Q. Was he a coremaker at any time?

A. He was helping, sir. I never saw him making cores, and basting.

Q. Would you say he was an apprentice coremaker?

A. I wouldn't say about that.

Q. But he was not a coremaker?

A. He was not a coremaker, he was working in the core room.

Q. He was working in the core room, but was he what you would call a coremaker?

A. I can't call a man a coremaker when he is basting.

Trial Examiner McCarthy: I think the record shows that he is not a coremaker.

Mr. Seyfarth: If that is what the record shows, that is what I wanted, if it is understood by the parties that Parker was not a coremaker.

Q. (By Mr. Seyfarth.) You went to the hospital about a month after you started work?

A. Not a month, four days later I got sick.

Q. How long were you in the hospital?

999. A. I was eight days in the hospital, then I had orders from the doctor to stay off a week.

Q. You immediately came back to work after that week was over?

A. That is right, I went to see the Link Belt doctor and the doctor O. K.'d me.

Q. You gave the name of a man by the name of Stanley whom you thought started work after you did.

A. Yes.

Q. Do you know his last name?

A. No.

Trial Examiner McCarthy: I think the name is Miller, is that correct?

Mr. Reynolds: Yes.

Trial Examiner McCarthy: Stanley Miller.

The Witness: Yes.

Q. (By Mr. Seyfarth.) Is that the name?

A. I think that is the name, I don't know for sure.

Q. How long after you were laid off did you see Stanley Staske?

A. Once.

Q. Just once?

A. Yes.

Q. What date did you see him?

A. It was February 12th or 11th, either one.

1000. Q. (By Trial Examiner McCarthy.) Of 1938?

A. 1938.

Q. (By Mr. Seyfarth.) And when you talked with Stanley and he said you are smart enough to read the papers, was it your impression that he referred to the fact that there was a depression, that that is why that he used that term?

A. I don't understand what he meant.

Q. You didn't have any feeling about that one way or the other?

A. I don't know what he meant.

Q. He just used those words?

A. Yes, sir.

Trial Examiner McCarthy. The witness has already answered that.

Q. (By Mr. Seyfarth.) Did you ask for a further explanation?

A. I did.

Q. What did he say?

A. He said, "You know."

Q. Did the conversation cease at that time?

A. I told him, "I think a man has a right to come down and look for a job."

Q. What did he say?

A. He said, "Sure, sure."

Q. And did you say anything in answer to that?

1001 A. No, sir.

Q. You left then?

A. Yes, sir.

Q. Now, was the five cent raise which you got after you asked Mr. Skeets a raise that everybody else in the plant got or did you get that individually?

A. I got that individually.

Q. And that was on April 21st, or what date was it, that you got that raise?

A. I can't recall it, sir. I got that raise after I come back from the hospital and I started to work, about a week later, I think.

Q. You only worked at the rate of forty-five cents for about a month then?

A. I don't know how long I worked at that, but I asked him and I got the increase.

Q. Did you ever talk to Mr. Berry?

A. Yes.

Q. When did you talk to Mr. Berry?

A. That is when Mr. Skeets took me in the office.

Q. When did Mr. Skeets take you in the office?

A. I couldn't remember the time, sir.

Q. Do you remember approximately the date?

A. I don't remember, sir.

1002 Trial Examiner McCarthy: Which time are you referring to, when Mr. Skeets took him in the office?

Mr. Seyfarth: In Mr. Berry's office.

Trial Examiner McCarthy: He talked to Skeets three times.

The Witness: Mr. Berry, the man sitting there (indicating).

Q. (By Mr. Seyfarth.) I am referring to that time, when did you go in the office with Mr. Berry?

A. I was with Mr. Skeets.

Q. The date, do you know?

A. I don't remember, sir.

Q. Was it in the summer, the fall or the winter?

A. It was in September.

Q. Of 1937?

A. 1937, before November, what is that month?

Trial Examiner McCarthy: October.

The Witness: October.

Q. (By Mr. Seyfarth.) In October of 1937?

A. That is right.

Q. What was the occasion for going in to see Mr. Berry?

A. Must I answer this?

Q. (By Trial Examiner McCarthy.) Was it a part of your work?

A. No, sir.

Q. Was it a part of your union activity?

1003 A. No, sir.

Q. Was it about your family personally?

A. No, sir.

Trial Examiner McCarthy: Can you give us some indication of what it was?

Mr. Seyfarth: No, it was nothing personal.

Q. (By Trial Examiner McCarthy.) Was it about your work?

A. No, sir.

Trial Examiner McCarthy: I wonder if anybody can just indicate without violating his—

Mr. Seyfarth: I understand it was concerning union activity.

Trial Examiner McCarthy: Union activity.

The Witness: No, sir.

Q. (By Mr. Seyfarth.) Was it about something that you had done on plant property on company time?

Trial Examiner McCarthy: Was it personal now or about union activities?

Mr. Seyfarth: No, it is not personal, it has reference to his job and his activities during working hours.

The Witness: You might ask Mr. Skeets, he will tell you.

Mr. Seyfarth: I am asking you.

Trial Examiner McCarthy: Wait a minute, I don't know whether you will have to answer or not.

1004 Mr. Seyfarth: It is a perfectly fair question of the witness.

Trial Examiner McCarthy: I don't know whether it is or not, the witness seems to have some hesitation.

Mr. Seyfarth: Why doesn't he answer the question?

Trial Examiner McCarthy: It must be personal.

Mr. Seyfarth: It is not personal, it is certainly not per-

sonal, the Examiner can take my word for it, it has nothing to do with his private life, it has nothing to do with his employment with the Link Belt Company.

Trial Examiner McCarthy: Does it tend to embarrass him?

Mr. Seyfarth: No, it should not embarrass him.

Trial Examiner McCarthy: It should not, but does it tend to?

Mr. Seyfarth: I mean, many questions may have tended to embarrass the witnesses, but nevertheless they have answered them.

Trial Examiner McCarthy: You will have to ask Mr. Skeets. I don't know why he has hesitated to answer.

Mr. Seyfarth: Neither do I.

Trial Examiner McCarthy: I think you can ask Mr. Skeets that on your defense.

Mr. Seyfarth: I am going to ask a direct question of the witness.

1005 Trial Examiner McCarthy: And if he does not agree with this, he can go back on the stand and repudiate it.

Mr. Seyfarth: I am going to ask him directly.

Trial Examiner McCarthy: You are not going to go into it.

Mr. Seyfarth: I am going to ask the question and it can be objected to.

Trial Examiner McCarthy: There is nothing accomplished by putting a man on the spot.

Mr. Reynolds: If we knew what the purpose was that would be a different matter.

Mr. Seyfarth: It goes to the motive of the witness' testimony.

Mr. Reynolds: Motive, what do you mean, motive?

Mr. Seyfarth: It also goes to his credibility as a witness. It affects his entire credibility, Mr. Examiner.

Trial Examiner McCarthy: Don't you think you had better talk to Board's counsel, and if he agrees that there is nothing embarrassing, you may ask him. We don't want to put a man on the spot.

Mr. Seyfarth: It is a most unusual procedure, to determine from the Board's attorney whether or not a witness can answer a question.

Trial Examiner McCarthy: If you feel that way about it, the Examiner will rule that you prove it by Mr. Skeets.

1006 Mr. Seyfarth: I will ask right now that I be permitted to put Mr. Skeets on.

Trial Examiner McCarthy: You can make an offer of proof.

Mr. Seyfarth: You can make an offer of proof on cross-examination. The most you can do is frame the question, because it is not in the nature of an offer of proof. I would like to frame a question to this witness to answer. If the question is objected to and sustained, then I can note my exception.

Trial Examiner McCarthy: It is not clear to the Examiner what this is all about. Will you come over here and tell me what it is?

Mr. Seyfarth: I would like the record to show what it is.

Trial Examiner McCarthy: It relates to his work?

Mr. Seyfarth: It relates absolutely to his work.

Trial Examiner McCarthy: Something that happened to him during working hours?

A. Something that happened during working hours, something which he had a conversation with Mr. Berry about.

Trial Examiner McCarthy: It is not personal.

Mr. Seyfarth: It is not personal, not in the least.

Mr. Reynolds: Some infraction of the rules, I suppose.

Mr. Seyfarth: That is right.

1007 Trial Examiner McCarthy: You may ask him the question.

Mr. Seyfarth: Perhaps the witness would like to answer the question already propounded to him.

Trial Examiner McCarthy: What was the question?
(Question read as above recorded.)

Trial Examiner McCarthy: What was his answer?
(Answer read as above recorded.)

Trial Examiner McCarthy: Your question is, what is the occasion, or why the witness went in to see Mr. Berry.

Mr. Seyfarth: To see Mr. Berry, yes.

Q. (By Mr. Seyfarth.) Do you know why you went in to see Mr. Berry?

A. Must I answer that?

Trial Examiner McCarthy: Is there anything—

The Witness: There was not anything for union activities on that, I don't think I have to answer.

Q. (By Trial Examiner McCarthy.) It was not union activities?

A. No, sir.

Q. Was it in connection with the way you were doing your work?

A. No, sir.

Mr. Reynolds: I object to the question on the ground that there is nothing in the answer of the respondent, that there is no allegation of the respondent that this man 1008 was discharged for any reason except slow work. If counsel wishes to submit an amendment, giving their reasons, I think he may have a basis for his question.

Mr. Seyfarth: He has testified on direct examination about union activity, and specified according to his testimony each time and place in the complaint. He also testified to the fact that he never made any attempt to collect any dues or become active for his union, for the C. I. O., during company time. Now, I think I have a right to show the contrary.

Mr. Reynolds: You said it had no bearing on this question.

Mr. Seyfarth: I said it has a bearing on union activity. I made the direct observation at the time I asked it.

Trial Examiner McCarthy: The witness made the statement it has no bearing.

Mr. Seyfarth: I would like to reframe my question.

Q. (By Mr. Seyfarth.) Did Mr. Berry talk to you about telling other men in the plant that they ought to join the C. I. O. because you got a raise?

A. If you had asked me that, I would answer.

Trial Examiner McCarthy: You may answer. You may proceed.

Q. (By Mr. Seyfarth.) Did Mr. Berry talk to you about that subject?

1009 A. Not in the plant.

Q. (By Trial Examiner McCarthy.) In the office?

Q. (By Mr. Seyfarth.) Did he talk to you about that subject when you were in Mr. Berry's office?

A. Not about the union—

Trial Examiner McCarthy: Now, wait a minute. Re-state the question. It has a bearing, Stanley, on this whole issue in this case, and I believe it belongs in the record.

The Witness: No, nothing in the record at all.

Q. (By Mr. Seyfarth.) Did Mr. Berry say—

Trial Examiner McCarthy: Did you want that question repeated, Mr. Seyfarth?

Mr. Seyfarth: He did not give a responsive answer, and I will frame it in another way.

Q. (By Mr. Seyfarth.) Will you tell the Examiner what Mr. Berry said to you in the office in your own words, just what he said to you, and what you said to him?

A. Must I answer that?

Trial Examiner McCarthy: Yes, I think that belongs in the record, it is a part of this union business.

A. It has nothing to do about the union, sir. I was asked in by Mr. Skeets, Mr. Skeets talked in the general office, and we had some little talk.

Trial Examiner McCarthy: He asked you whether you talked to other men about a raise.

1010 The Witness: Did he ask me that, sir?

Trial Examiner McCarthy: Read that question, please, Mr. Reporter.

(Last question of Mr. Seyfarth read as above recorded.)

A. I told you that was nothing about the raise.

Q. (By Trial Examiner McCarthy.) Did Mr. Berry talk to you about that?

A. No, sir.

Q. (By Mr. Seyfarth.) What did Mr. Berry say to you?

A. Must I tell you that, what Mr. Berry told me?

Q. Yes.

Trial Examiner McCarthy: Yes.

Mr. Seyfarth: The Examiner says you have to answer the question. You just tell in your own words what Mr. Berry said to you and what you said to Mr. Berry.

A. I told you this, there was nothing about the union, and it was nothing—

Trial Examiner McCarthy: You can answer that, what did you tell Mr. Berry?

A. Mr. Skeets can answer that question.

Trial Examiner McCarthy: You are the one that told Berry something. What did you tell him?

A. When I was taken by Mr. Skeets—I think Mr. Skeets can straighten that out.

Mr. Seyfarth: We want you to straghten it out.

1011 Mr. Reynolds: Stanley, this matter will be brought out by the other man and you may as well tell what was said.

Trial Examiner McCarthy: Mr. Berry will get on the stand and say something, and Mr. Skeets will get on the

stand and say something and then you will get on the stand and say something, and then we will have to figure out what is right, so it is necessary for you to tell what was said. So it is necessary for you to tell what you told Mr. Berry.

The Witness: Well, it was a private misunderstanding.

Q. (By Trial Examiner McCarthy.) A private misunderstanding. Did you tell Berry it was a private misunderstanding?

A. I didn't say nothing to Mr. Berry.

Q. Berry apparently told you not to talk to the other men in the plant?

A. He didn't say nothing.

Q. About joining the C. I. O. because you got a raise?

A. He didn't say such a thing, it was nothing about union activities. I was called by Mr. Skeets, Mr. Skeets called me in his office, and talked about another affair, a private misunderstanding.

Q. Did Mr. Skeets tell you what the misunderstanding was?

A. No, it was not even—

Q. (By Mr. Seyfarth.) Tell us about the misunderstanding, what was there about it?

A. I told you it had nothing to do about the union.

1012 Q. Tell us what you said in Mr. Berry's office about the misunderstanding.

A. I didn't say nothing.

Mr. Seyfarth: Is there a rule that he answer the question?

The Witness: I didn't say nothing about union activity.

Q. (By Mr. Seyfarth.) What did Mr. Berry say to you?

A. Must I state those words?

Q. Yes, the Examiner has said that you must answer the question.

A. If it had nothing to do with the union, I don't see why I should answer the question.

Q. You are here to answer questions, not to ask them.

Q. (By Trial Examiner McCarthy.) Didn't Mr. Berry tell you not to tell the other men in the plant to join the C. I. O. because you got a raise?

A. There was nothing about the raise, sir, and there was nothing about the C. I. O., he didn't say such a thing at all. He is asking me this question why I was called

in Mr. Berry's office by Mr. Skeets, and he wants to know definitely just exactly what we had a talk about when Mr. Berry and Mr. Skeets was there. That has nothing to do with union activity, it was nothing about the raise or anything like that.

Q. It was nothing about the work?

1013 A. Well, it was nothing about the work, no.

Q. That is about the work if there is a rule, if they say that you can do a certain thing, and you misunderstood it, and you did something wrong, that would be about the work. Is that what it was about?

A. It was my fault for one thing.

Q. (By Mr. Seyfarth.) Tell us about it.

Q. (By Trial Examiner McCarthy.) Just tell us about it, Stanley, the best you can.

A. I think it would be a better idea, sir, to have Mr. Skeets answer these questions, just exactly what it was all about, and tell you. He can tell you exactly what it was, see. That was nothing about the raise, that is all.

Mr. Reynolds: If the Examiner please, Mr. Skeets is here, why can't we have him explain that?

Mr. Seyfarth: I think this is—

Trial Examiner McCarthy: Off the record.

Mr. Seyfarth: I would like to make a motion, if the Examiner please, to have the stenographer take this down and mark it pages A, B and C, and so forth.

Trial Examiner McCarthy: No argument in the record, I am sorry.

Mr. Seyfarth: May I ask the reporter to take it down?

Trial Examiner McCarthy: You may make your arrangements with the reporter.

Mr. Seyfarth: The reporter will take it down for me personally.

1014 Trial Examiner McCarthy: The Examiner rules that the witness need not answer the questions if it tends to embarrass him and which he has a hesitancy in answering. The Examiner suggests the easiest way is to call Mr. Skeets and let him tell the story, and call Mr. Berry and let him tell the story.

Mr. Seyfarth: To which I except. Will you mark this Respondent's Exhibit 2?

(Thereupon the document above referred to was marked Respondent's Exhibit No. 2, for identification.)

Q. (By Mr. Seyfarth.) Did you ever read the notices on the bulletin board, Stanley?

A. Not before I went in to see Mr. Berry.

Q. Did you read the notices on the bulletin board after you saw Mr. Berry?

A. Yes, sir.

Q. Did you ever read this notice on the bulletin board? (Handing document to witness.)

A. It was not even written that way.

Q. Now, when did you read that on the bulletin board, Stanley?

A. It was not written like that, that is, the way it is here.

Q. But there was something written, but it was 1015 not written on that kind of paper, is that what you mean?

Trial Examiner McCarthy: That is not what he said, it was not written that way.

Q. (By Mr. Seyfarth.) How was it written?

A. It says that any man—

Q. Go ahead and read it.

Q. (By Trial Examiner McCarthy.) Can you read it?

A. It was on the first bulletin was false talking going on on somebody getting a raise in the shop. He says then, his first statement says, if anybody keeps on saying like that, they will be discharged.

Q. (By Mr. Seyfarth.) Isn't that what this notice says? Read it.

Mr. Reynolds: Read it out loud, Stanley.

Trial Examiner McCarthy: Read it out loud so it is in the record. I will read it.

The Witness: I don't think it was in such high words like that.

Trial Examiner McCarthy: (Reading) "Notice. There is a tendency on the part of some of our employees to circulate false stories about individuals receiving pay increases. This is propaganda tending to break down the good will of our employees. Continuation of this misrepresentation of facts will result in the discharge of the employee making false statements. (Signed) E. L. 1016 Berry. August 12, 1930."

The Witness: It might have been something like that, but it was not on that kind of paper. I didn't see it in just those words on there. Now, is that clear, sir?

Q. (By Trial Examiner McCarthy.) Is that what you had reference to when you went in to see Mr. Berry?

A. Yes, sir, that is what I was called in for.

Q. I thought it was something personal.

A. There was nothing about union activity. I come in here to testify to my union activities. That was personal between Mr. Berry and Mr. Skeets and me. It has nothing to do with union activities. He tried to bring out to me, the attorney did, that I was talking with Mr. Berry something about the union. That is why I didn't want to answer that.

Trial Examiner McCarthy: Are you going to offer it now, that document?

A. I don't want to make my offer at the present time, if it please the Examiner, only to connect it up.

Q. (By Mr. Seyfarth.) Now, did Mr. Berry talk to you about this subject when he had you in the office?

A. Yes, he did.

Q. Will you state to the Examiner just what Mr. Berry said to you?

A. Must I?

Trial Examiner McCarthy: Yes, that is a part of 1017 this case, Stanley. Anyway, the fact it was part of union activities, that you said that you got a raise because you joined the C. I. O. That is what he thinks, but he may be mistaken. Now you tell us about it.

A. If that has got to be brought out, all right, I will bring it out. Me and one fellow were joking at noontime. I got overpaid, I had some mix-up in my checks. I had forty hours and I was paid for forty-two hours, and one fellow that works in the core room with me, he walks up to me while I was figuring my time, and he looked at my pay check and he asked me, he says, "What is the idea, that you got so much more money than I have." I told him, "It is none of your business." I says, "Maybe I got more hours, maybe I got a raise." He says, "Really?" He says, "Well, if you want to believe it, go ahead, put it that way." So he went in at noontime and saw Mr. Skeets and told Mr. Skeets, or he asked for a raise, and he told him about me, that I got the raise; and he said when Mr. Skeets asked him, he told him, I believe that he told my name.

After that he started to work. At lunchtime I was called in in Mr. Skeets' office, me and this other fellow, and he asked me if I said to the fellow that I got the raise, and I told him I joked around with him, but I didn't say that I really got the raise; so Mr. Skeets took me and this other fellow in Mr. Berry's office, and he had 1018 cards from the time that I started, and that fellow, how much time I had worked in the factory, and this

other fellow, by the name of Joe, he had a longer time, so Mr. Berry didn't say nothing to that fellow, see, and when he explained, Mr. Skeets, to Mr. Berry, that I am the guy that gave him the false alarm about getting the raise, Mr. Berry stood up and said, "God damn it, what is the big idea, telling everybody that you got the raise?" He didn't give me no chance to explain or anything, just bawled me out. When I tried to tell him about it he says, "I ought to fire you for this." Isn't that true, Mr. Berry? That is true. That is why I got bawled out, and after that there was a notice on the bulletin space that anyone making false misstatements would be discharged.

Q. (By Mr. Seyfarth.) Was this man's last name Sukorich?

A. I don't know his last name.

Q. He was in the same department as you?

A. He was in the core room.

Q. Did you tell Joe that he ought to join the C. I. O. to get a raise like you did?

A. I didn't say a word.

Trial Examiner McCarthy: So it is really a mistake of the accounting office, the man got two hours over what he should have gotten.

The Witness: That is right.

Mr. Seyfarth: Not to our knowledge at the present 1019 time, but we will check up on that.

Q. (By Mr. Seyfarth.) Did you say anything to Sukorich about the C. I. O.?

A. I didn't say a word about that.

Q. You deny it right now?

A. I don't deny it, sir.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: It is 12 o'clock, will we finish with this witness?

Mr. Wham: I would like to ask a few questions.

Trial Examiner McCarthy: The witness wants to go back to work, I understand, so we will continue the cross-examination.

Cross-Examination.

Q. (By Mr. Wham.) Stanley, you say that in the afternoon before the meeting of the independent union which you attended there was some passes handed out throughout the plant?

A. That is right.

Q. How was that done? How were they distributed?

A. He had a bunch in his hand and he walks up to every man and hands them over.

Q. Who did that, do you know?

A. I don't know, sir, who that man is.

Q. In other words, he carried a bunch around
1020 and just handed them out?

A. Yes, give them to every man, two or three.

Q. How far did you see him go?

A. Well, he went all over the core room, and the steel floor, and he kept going around.

Q. This was during working hours?

A. Yes, sir.

Q. How long after lunch?

A. It was about 1 o'clock or 1:30, something like that.

Q. What time was lunch?

A. At 12:30.

Q. 12:30?

A. From 12 to 12:30.

Q. From 12 to 12:30.

A. A half an hour, sir.

Q. You don't know his name?

A. I don't know his name, no.

Q. Did you see him before?

A. Yes, I see him, he is a kind of a tall fellow, dark hair, he must be about six feet tall, something like that.

Q. Old or young?

A. He may be about 30, maybe 30 or 32, I don't know, something like that, maybe more than that.

Q. Was he fat or slim?

A. Just tall, not fat or skinny, just a tall fellow,
1021 about six feet tall.

Q. Have you ever seen him since?

A. He used to come down, used to take some orders down in the office over there.

Q. Was he in the office close to where you worked?

A. I don't get you, sir.

Q. What office, the one close to where you worked some place?

A. May I recite this? There was a pathway used to go through there, and I was working alongside there, and I see the fellows go in and out, see.

Q. You saw them go in and out of the office?

A. Yes, they had a door, and saw them coming in like that, see (indicating), and just about here, on my bench was where I was working. (Indicating.)

Q. Do you know what department he was from?

A. I didn't have no idea to find out about that, sir.

Q. At this meeting which you attended, you say that the speaker stated that the union was being organized to improve the conditions?

A. Yes, sir, for the workers.

Q. For the employees?

A. Yes.

Q. Not for the company?

Trial Examiner McCarthy: He said for the workers.

1022 Q. (By Mr. Wham.) And did he say anything about how the union was to be financed?

A. He said something—they had a book, I remember now, he had a book, and he read something out of that book, and I was by the door and I couldn't understand what he was talking or what he was reading.

Q. You sat in the rear?

A. Yes, near the entrance as you come in.

Trial Examiner McCarthy: The attorney wants to know where they got the money. Do you know what "finances" means?

A. No.

Q. Did the speaker ask or explain where they got the money to carry on the business of the union? Did they say anything about that?

A. No.

Q. That is what "finance" means generally?

A. I thought what he meant, when this man stood up, what kind of a speech he started to make, see.

Q. (By Mr. Wham.) All right, Stanley. You were sitting in the rear?

A. Yes.

Q. I mean, near the door?

A. Yes.

Q. How many people seemed to be there?

A. There was quite a bit.

1023 Q. Was the hall full?

A. There was some empty seats over there, the hall is pretty big.

Q. Were there very many empty seats?

A. I didn't count them, sir.

Q. Would you say that there were a few empty seats or a lot of empty seats?

A. I didn't pay attention to counting them, I saw a lot of people over there.

Q. Did you see any women there?

A. I did, sir.

Q. Were there very many of them?

A. Quite a bit of them.

Q. What part of the group would you say were women?

A. Suppose I was facing this way, the women are sitting on that side, and some women mixed up (indicating).

Q. Most of the women were sitting where?

A. On one side of the hall in the seats.

Q. Would you say that there were ten women?

A. I didn't count them, sir, I couldn't say truthfully on this.

Q. (By Trial Examiner McCarthy.) Do you know how many people were there altogether?

A. No, sir, I couldn't say.

Q. (By Mr. Wham.) You didn't stay until the 1024 meeting was over, did you?

A. No, I didn't. After they started to have some kind of a vote or something like that, some fellow stood up, you know, asked for the floor, and then they were objected to, one of them, and another one stood up, and there was some sort of a misunderstanding there. They had some sort of police there. They started out with some misunderstanding. I was just from work, I didn't even have my clothes changed and I wanted to go home, so I left that place.

Q. Were you afraid?

A. No.

Q. Nobody attempted to hold you or strike you, did they?

A. No, sir.

Q. You thought you were able to leave without difficulty?

A. I left without anybody saying anything to me.

Q. Now, you say you are a guard at the C. I. O. lodge?

A. Yes, they call it a guard or a guide, I can't get it straight.

Q. What is your position when the meeting is on?

A. I watch the doors so the people—so some kids won't go in the hall, or something like that.

Q. You don't let non-members in there, do you?

A. Well, we don't have that rule, I would not know about that.

1025 Q. What I mean is, you only let members into the meeting?

A. Well, the fellows that I know, they all come in and

some people sometimes I don't see them, if they come in, I don't stop them, but just some kids that want to come in, you know.

Q. And you let anybody into the C. I. O. meetings?

A. When it is a closed meeting it is only members that have got the button on; but when the meeting is open everybody is welcome except small children where they come around sometimes from the streets, running around.

Q. You say that you only saw Julius collecting once on company time?

A. Yes, I saw that.

Q. Do you remember when that was?

A. I couldn't remember absolutely, sir.

Q. Was it along the last of April or in the first of May or in the summer or along in September, October or November?

A. I couldn't tell you exactly, I think it was either in June—I couldn't tell it straight, because I don't know if it was true, sir.

Q. It might have been June?

A. It might have been June, yes, maybe July, I couldn't say.

Q. On November 8th Mr. Skeets told you not to collect dues. Now, under what circumstances did he mean 1026 that you were not to collect dues? Did he mean that you were not to collect dues when you were not working, when you were not even on the company's property?

A. Well, while I was working, sir, he walked up to the side where I was working and he stopped me, and he said, "Stanley," he says, "I want you to stop collecting dues either on your own time or on company property," or I mean company time or company property. I asked him, "Can't I even collect my dues on my own time after work?" He says, "No." Then I repeat, I says that the independents do it.

Q. Now, just a minute. Did you understand him to say that you could not do it out on the street after work, collect dues?

Trial Examiner McCarthy: I think the rest of the story explains clearly what happened.

The Witness: Well, he told me that I can't collect on my own time or on company property, if I did—I asked him this, I says, "The independent collects them." He says, "Not if I catch either one, either C. I. O. or independent, they will be discharged." So there was nothing else more to say.

Q. (By Mr. Wham.) Did he mean that you could not collect dues off the company property?

A. He didn't say that, he didn't say nothing about outside.

Q. Yes.

A. But as long as I didn't collect dues inside 1027 the company, when I am coming in to work on the company property.

Q. In other words, he was only referring to collecting on the company property, while you were in the factory?

Trial Examiner McCarthy: Do you understand the question?

Mr. Wham: Read the question. I will rephrase it.

Q. (By Mr. Wham.) He only meant that you could not collect dues when you were in the plant? He was not talking about when you were out of the plant?

A. Not as long as I stayed on company property.

Q. I mean, while you were on the company property, no dues?

A. No dues.

Q. But off the company property?

A. Well, if it is off the company property, he didn't say anything about that.

Trial Examiner McCarthy: Do you think the record shows now that Skeets did not say that he could not collect off the company property?

Mr. Wham: That is the impression I get.

Trial Examiner McCarthy: I was confused on that, I thought Skeets said that he could not collect dues any time, on company property or off company property or on your own time or any time.

Mr. Wham: I get the impression now that Skeets did not refer to off the property.

1028 Trial Examiner McCarthy: Skeets only referred to collecting on company time.

Mr. Wham: No, company property, that he could not—

Trial Examiner McCarthy: Something about the—

Mr. Wham: That he could not even do so during the noon hour.

The Witness: May I explain it clear, the way I have an understanding? When you come to work, all right, you get your stuff, you are just going to start to work, before he told me not to go out and collect any dues, see, before I used to start to work, before we punched our clock, I used to go out and collect dues from some of the fellows. That might be noontime, when we have our lunch, that I was

collecting, too, and then after work, after I had punched the clock out, I used to collect it, but Mr. Skeets, when he come up to me, he told me I can't do it no longer, no collecting dues around the noontime and before I come in or after work, on the company property. Now, is that a straight understanding, sir?

Mr. Wham: Yes, I think so.

Trial Examiner McCarthy: Fine.

Q. (By Mr. Wham.) Just a few more questions. This Norman Parker told you that his father was a lawyer?

A. Yes, he told me while I was working with him together.

Q. And that he was representing the Independent?

1029 A. He says that his father is a lawyer for the Independent.

Q. And being a lawyer for the Independent union he would naturally have a drag with the company?

A. I don't know about that, sir. I just told you the words that John spoke to me. Maybe he is. Maybe he is not. I don't know what he is, but he is still working there.

Q. Do you know where he lives?

A. I don't know, sir.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: We will recess until 1:30 o'clock.

(Whereupon, a recess was taken until 1:30 o'clock P. M.)

1030 After Recess.

(Whereupon, the hearing was resumed, pursuant to recess, at 1:30 o'clock P. M.)

Trial Examiner McCarthy: Proceed.

JOSEPH NOVAK, a witness recalled by and on behalf of the National Labor Relations Board, having been previously sworn, was examined and testified as follows:

Cross-Examination.

Q. (By Mr. Price.) Joe, you testified that you worked in the crane assembly department at the time you were discharged.

A. Yes.

Q. How many men worked in that department?

A. At that time?

Q. Yes.

A. Oh, I couldn't recollect, I imagine around forty or forty-five.

Q. Do you work in one place or are you all over the department?

A. All over the department.

Q. Do your duties require you to go into any other place in the plant?

A. In the plant?

Q. Yes.

1031 A. Well, sometimes.

Q. In that department. You don't work in one spot all the time, on a bench or anything like that?

A. No.

Q. Did you sign the membership application for the C. I. O. in September, 1936?

A. No, sir.

Q. Did you ever sign a membership application in 1936?

A. No, sir.

Q. What month was it that you joined the C. I. O.?

A. That was after the Wagner Bill was constitutional, a week after that.

Q. Do you know Louis Salmons?

A. Yes.

Q. You knew him prior to the time that you were discharged?

A. Yes, sir.

Q. Did you talk to him about the C. I. O.?

A. No, sir.

Q. Did you talk to anyone in the plant about the C. I. O.?

A. No, sir.

Q. You never talked about the C. I. O. during working hours?

A. No, sir.

Q. Did you talk to him during the noon hour?

A. No, sir.

Q. Or after work?

1032 A. No, sir.

Q. And never talked to him about the C. I. O. on the company's plant?

A. No, sir, I didn't know much about it.

Q. Who is Charlie Sellars?

A. Well, he was assistant foreman.

Q. At that time?

A. At that time.

Q. Assistant—

A. Foreman, I think, I don't know what he is, supervisor or something.

Q. He is the one that told you to go into Mr. Berry's office?

A. Correct.

Q. What did you say when he told you that?

A. What does he want to see me about.

Q. And what did he say?

A. He says, "I don't know, you go in and see."

Q. That was all that you said to him?

A. Yes, that is all I said to him.

Q. Who was present in Mr. Berry's office when you went in?

A. Mr. Conroy.

Q. Just Mr. Conroy and Mr. Berry?

A. Yes, that is all, I think, as best I can recollect. I am pretty sure that was all, that was all I could say.

1033 Q. You are sure there was not anybody else there?

A. I don't know; that is all I think was there, Conroy and Mr. Berry.

Q. And what did Mr. Berry say to you?

A. He said, "Joe, I understand you are organizing and instigating a union."

Q. Is that all that he said?

A. Well, he told me to leave the place.

Q. Didn't he say that you had been spending more of your time doing other things than your duties on your job?

A. That I don't remember.

Q. You don't remember whether he said that or not?

A. Well, I couldn't say, I don't think he said that.

Q. When he said to you that you had been a union organizer and instigator of the union, did you say that you were not?

A. No, I said, "That is the first I know of it." That is the first, he was telling me about it; that I know of it, that I would be doing a thing like that.

Q. What else was said after that?

A. Then he told me to get out of the plant, so that is about all.

Q. To whom did you say, "I have been made the goat in this thing?"

A. What?

Q. To whom did you say, "I have been made the
1034 goat in this thing"?

A. Now, I recollect I probably said that to Mr. Berry when I was in there.

Q. What did you mean by that?

A. By somebody saying something or framing me on it, that is all.

Q. Who did you think did that?

A. I don't know.

Q. Didn't you say, "I have been made the goat," or "They have made a goat out of me?"

A. That I couldn't tell you.

Q. Now, following your discharge how long was it before you were in touch with Louis Salmons?

A. About two or three weeks.

Q. Did you call him?

A. That I don't know, whether I called him or he called me.

Q. Do you know whether he got hold of you or you got hold of him?

A. I don't know.

Q. You know whether you got hold of his telephone number, don't you?

A. Whether I looked it up, I don't just clearly remember, whether he called me or I called him.

Q. How did you find out that he was fired?

A. Somebody out on the street told me, who, I
1035 don't remember.

Q. Do you mean you went back in the plant?

A. No, I didn't go back in the plant.

Q. You don't know whether you called him in the first place?

A. No.

Q. Why did you get in touch with Salmons if you were not a member of the C. I. O.?

A. What?

Q. Why did you get in touch with Salmons if you were not a member of the C. I. O.?

A. Well, I just—I was not a member of the C. I. O.

Q. Yes.

A. He called me up, I was speaking to him at that time.

Q. That is what I asked you before, did you call him or did he call you?

A. That is something I don't know, that is, how the conversation started, whether I called him or he called me, now that you are asking.

Q. After you started talking on the telephone, what did Salmons say?

A. Well, he said, "I hear you are not working, too." I said, "I hear the same thing about you."

A. And then what did he say to you?

A. I told him I think I was going down to the Labor Board.

1036 Q. You told him that?

A. Yes.

Q. He didn't say you had better go down to the Labor Board?

A. No, he didn't say that, no.

Q. Was that all there was to the conversation?

A. Yes, sir.

Q. Did you make an appointment with him to go down to the Labor Board?

A. No, I went the first time myself.

Q. Was he with you?

A. No, he was not with me.

Q. After that telephone conversation?

A. Yes, I saw a party by the name of Mr. Disser.

Q. Was Salmons with you?

A. No, sir, not at that time.

Q. What did you tell Mr. Disser?

A. How I was fired, how I got fired.

Q. Just tell me what you said to him.

A. Well, I told Mr. Disser that I was called in and I was fired, told to get out of the plant. I told him I was not doing no organizing or no instigating, and I was fired.

Q. What did Mr. Disser say? This is the first time?

A. Yes. He says, "Well, I will have to see what I can do for you."

Q. Is that all?

1037 A. That is all.

Q. Was anyone else present in Disser's office?

A. No, just Disser and myself.

Q. Just Disser and you?

A. Yes.

Q. Now, you went back the second time?

A. Yes, sir.

Q. Who was with you at that time?

A. Salmons was in there at that time.

Q. Was he down there or did he go with you?

A. He was in there, and I met him there.

Q. What time was that?

A. I couldn't say, in the morning, I think.

Q. Whatmonth?

A. That I couldn't remember.

Q. Was it in the fall?

A. Well, let me see when I was fired, well, about a month after, somewhere in that, after I was fired.

Q. Let's go back just a minute. You talked to Salmons about two or three weeks after you were fired?

A. Yes, sir.

Q. How long after you talked to Salmons did you go down to the Labor Board?

A. About three week.

Q. After you talked to Salmons?

1038 A. No, the first time I talked to Salmons I went down to the Labor Board.

Q. The next day?

A. Yes.

Q. And after that you went down the second time?

A. After that?

Q. Yes.

A. Probably three weeks elapsed, more than that, maybe.

Q. You met Salmons down there?

A. Yes, sir.

Q. Did he go in with you to see Disser?

A. Yes, sir.

Q. At the same time?

A. Yes, sir.

Q. Anyone else present?

A. No.

Q. What did you say to Mr. Disser at that time?

A. Well, I asked him when I could get back to work, and whether he is doing anything about it.

Q. What did he say?

A. Well, he is, and that is about all that I can remember.

Q. Did he say anything about any negotiations with the company?

A. Well, I think he did say something about that.

Q. What did he say?

1039 A. That I couldn't remember.

Q. You don't remember what he said?

A. No, that I can't remember. All I remember is—

Q. Go ahead.

A. All I know is that he says, "Well, I can't do nothing for you now yet, see."

Trial Examiner McCarthy: Keep your voice up, please.

A. All I know is that he said, "I can't do nothing for you now yet." So that is all I can remember.

Q. (By Mr. Price.) What do you think he meant by that?

A. By telling me that?

Q. That he couldn't do anything for you now.

A. Well, I asked him to try to put me back to work, and I suppose—I don't know what he done about it, but he says, "Not yet."

Q. He says, "Not yet?"

A. Yes.

Q. That is all there was to that conversation?

A. That is all I remember.

Q. Did Mr. Salmons say anything about that situation?

A. No, he didn't.

Q. He didn't enter into the conversation at all?

A. No.

Q. How long after that did you go back the third time to see Mr. Disser?

1040 A. Oh, probably another month afterwards, something like that.

Q. That was about a month?

A. Yes.

Q. Is that the last time you talked to Mr. Disser?

A. I think it was.

Q. Who was with you?

A. I think I was down there myself.

Q. When you went in to see Mr. Disser was there anyone with him?

A. No.

Q. Was that in January, 1937?

A. January?

Q. Yes.

A. I think that is about right.

Q. What did Mr. Disser say to you?

A. Well, when I come up to see Mr. Disser he told me—I asked him, and he says, "Well, if you want to, you can go down and just ask for your job back, I can't do nothing for you."

Trial Examiner McCarthy: Keep your voice up, please.

A. He said, "If you want to go down there and ask for your job, why, go ahead and ask for your job back, that is all we can do for you."

Q. (By Mr. Price.) Did he mention any negotia-
1041 tions with the company?

A. Well, no, he didn't mention anything, I didn't go into it.

Q. You didn't ask him about it?

A. No, I didn't ask him what he was doing or anything. All I asked him is what he done about it, and he told me what he done, that I should go back there and ask for that job back.

Q. He said he had been in touch with the company about your case?

A. Yes.

Q. He said there was not anything that he could do?

A. That was all he says.

Q. The only thing for you to do was to go back and ask for your job back?

A. That is right.

Q. Then you went back to Mr. Berry and asked for your job back?

A. I did.

Q. What did Mr. Berry say to you?

A. Well, Mr. Berry asked me, "Why do you want your job back?" I told him I had worked there a long time and I would like to have my job back.

Q. Then what did he say?

A. He said, "Well, I don't want to take a fellow back that is organizing and instigating a union around this
1042 ... wouldn't want him to be working here."

cat ... say that he would take you back on con-
not organizing ... uld pay attention to your job and would
company premises and during working
hours?

A. Well, he told me that he would—

Q. Just answer my question. Did he say that?

Trial Examiner McCarthy: Read the question.

(Question read as above recorded.)

A. Yes, he said that.

Q. (By Mr. Price.) Did he say anything about what you are doing outside the plant?

A. Yes, he did.

Q. What did he say?

A. Well, about that he said that he didn't want anybody organizing—to work here that is organizing, and a fellow that would stand on the corners when he gets through work, stand on the corners and solicit membership for any kind of a union.

Q. He was talking about the outside of the plant?

A. Absolutely, he was talking about outside, street cars, and outside, he didn't just say inside.

Q. Did he say anything to you about your activities at that time?

A. Well, Mr. Berry says that I must have been active or he wouldn't have fired me. I was not active, I
1043 know, because I didn't have anything to do with it.

Q. Who was present during that conversation?

A. Well, the first time I don't remember—I don't think anybody but Mr. Berry and myself.

Q. This was when you went back to ask for your job?

A. Yes.

Q. No one else was present?

A. The first time.

Q. The first time. Then you left and came back?

A. Correct.

Q. How much later?

A. And then Mr. Conroy was there.

Q. What did you tell Mr. Berry?

A. Well, I thought it over, and I would like to come back to work.

Q. Did Mr. Berry at that time say anything about taking you back on condition that you pay attention to your job and would not organize on company premises and during working hours?

A. Well, Mr. Berry at that time asked me—he said, “Well,”—when I says that I would like to come back on them conditions that he was speaking about, he said, “What conditions?” and I says, we were talking about them conditions, that I wouldn't organize, and especially, I says, I was not doing it in the first place.

1044 Q. Did he say on company premises and during working hours?

A. Yes, he said that.

Q. Who is Joseph Jeske?

A. Well, he works in the department just like I do.

Q. He is just a worker out there?

A. He is just a worker out there, yes.

Q. How many times did you talk to Jeske about the independent union?

A. When? After I came back?

Q. Yes.

A. Well, it must have been then.

Q. It must have been?

A. Yes, right after the—I don't remember the day, but I remember the Wagner Bill passing, and I was very interested at that time, and that is the time that he come

along with a sheet of paper, and that is when he was asked to join the company union, right in my presence.

Q. And that is the only time you ever talked to him about it?

A. That is the only time that he talked to me about it, I never talked to him about it.

Q. Where were you at that time?

A. I was inside of the crane, outside of the plant.

Q. (By Trial Examiner McCarthy.) Inside of the crane, outside of the shop?

1045 A. Inside of the crane, outside of the shop, yes, sir, in the yard.

Q. (By Mr. Price.) You were out in the yard?

A. Out in the yard, inside of a crane.

Q. How many others were present?

A. Well, there was a welder there, a welder and myself, who was working with me.

Q. Just the three of you?

A. The three of us.

Q. No foreman was present?

A. No, sir.

Q. Did you sign?

A. Yes, sir, I signed.

Q. (By Trial Examiner McCarthy.) You signed—

Q. (By Mr. Price.) The independent union?

A. Yes.

Q. (By Mr. Wham.) You say you did?

A. At the time he didn't say independent union, he says company union and I just signed it.

Q. (By Mr. Price.) He said company union, not independent?

A. That is it.

Q. And what was the paper that you signed, do you know?

A. No, I didn't read it, I didn't care to.

Q. Were there any names on it?

A. There were some names there, yes.

1046 Q. Any printing on it?

A. Not that I know of, I didn't notice any printing on it, no, sir.

Q. What was at the top of it?

A. I don't know, I didn't read it.

Q. You just signed your name to a piece of paper?

A. I just signed my name to a piece of paper is right.

Q. Is that before or after you joined the C. I. O.?

A. That was way before I joined the C. I. O.

Q. Way before, how long?

A. A couple of— I would say about a week before.

Q. A week?

A. Yes.

Q. Was that day on which Jeske came up to you the only day on which you saw him going around the plant?

A. I saw him the day after going around with the same paper, I think.

Q. In what department?

A. In our department, D.K.

Q. Did you say it was April 21st when Olson came to you in the crane?

A. Well, before I couldn't say whether it was April 21st. What date did the Wagner Bill pass? It was right after that.

Q. (By Trial Examiner McCarthy.) Passed or declared constitutional?

1047 A. Declared constitutional by the Supreme Court.

Trial Examiner McCarthy: April 12th.

A. The 12th, well, that was the day after.

Q. (By Mr. Price.) It was the 13th?

A. It was a day or two days, I don't remember just which.

Q. The 13th or 14th then?

A. Yes.

Q. And the next day you saw Olson going around the plant?

A. That is it.

Q. He had this paper in his hand?

A. Correct.

Q. To whom did he talk?

A. Well, as far as I could see he was talking—well, he would go from one fellow to another.

Q. Where were you?

A. I was working around the crane there.

Q. Did you overhear any of the conversation?

A. No, I didn't overhear none of the conversation.

Q. You don't know what he was saying?

A. No, sir, all I know he was walking around with the paper.

Q. Are you sure it was the same paper?

A. I don't know if the names were on it or not, the same one I signed.

Q. How long after that was it that you saw Ed Jamison? Just a minute, I want to go back. When
1048 you saw Jamison going around the next day after he came to you, was the foreman present?

A. Well, not the foreman but the assistant foreman, he was around some, he saw him the same day that I did. I imagine he did because he was out on the floor.

Q. Now, when did you see Ed Jamison going around with these cards?

A. It was probably two weeks after, or three weeks after that.

Q. To whom did he talk?

A. Well, I saw him standing by and talking to somebody.

Q. Where?

A. In D. K. department.

Q. Do you know what he said?

A. No, certainly not, I was not close enough to hear what he said.

Q. Who is Ed Jamison?

A. He works on the floor just like I do.

Q. He is just a worker?

A. He is just a worker.

Q. Not a foreman?

A. Not a foreman.

Q. Between the time you were discharged and the time you went back to work in January you worked for the Globe Manufacturing Company, is that correct?

1049 A. Yes, sir.

Q. Where is that located?

A. I would say about 912—let me see, West 33rd, I think, but I may be wrong in that, I don't know.

Q. Did you promise Berry that you would not join the union?

A. Correct.

Q. You made that specific promise, did you?

A. I made that promise to Mr. Berry, yes, sir.

Q. How did you say that?

A. That I would not join no union.

Q. Did you also promise that you would not engage in union activity?

A. That is true.

Trial Examiner McCarthy: Didn't one contradict the other?

Mr. Price: No.

The Witness: No.

Q. (By Mr. Price.) You would not say that one of the conditions were that you would not organize on company time?

A. Well, all I say, I made my promise just like I told you, not to organize a union.

Q. Were you ever a fireman for the City of Chicago?

A. Yes, I was, for the Board of Education.

Q. For the Board of Education?

A. Yes.

1050 Q. And also a clarinet player?

A. Clarinet, saxophone and drum.

Trial Examiner McCarthy: I think that has been covered very fully.

Mr. Price: That is all.

Mr. Reynolds: That is all.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Reynolds: At this time I wish to renew my motion to amend my complaint to conform to the proof by the substitution of this typewritten sheet for paragraph seven and paragraph eight of the complaint, an amendment to those paragraphs, and also in one or two other minor particulars.

Mr. Seyfarth: Regarding this first amendment, if it pleases the Examiner, the respondent objects, because at the time the proof went in on the subject of the amendment it had no knowledge and was unable to prepare to meet the amendment, and it is not timely, and our right to cross examine the witnesses has been curtailed.

Trial Examiner McCarthy: Curtailed by what?

Mr. Seyfarth: By this amendment at this particular time. We didn't know of it at the time that the witnesses were cross examined.

Trial Examiner McCarthy: The motion to amend
1051 will be granted and the typewritten substitution may be inserted on the understanding that it is an amendment to conform to the proofs.

Mr. Seyfarth: Have you a copy of that?

Mr. Reynolds: I gave you that yesterday.

Mr. Seyfarth: It is the same copy?

Mr. Reynolds: It is the same copy. I also move to amend the complaint to conform to the proof in the following particulars. The spelling of the name Mike Korbel is apparently incorrect in the complaint. It should be "Korbel" wherever it appears. I think it appears on page 3 of the complaint. It appears on page 3 of the complaint in two different places in paragraph six.

Trial Examiner McCarthy: The motion will be granted.

Mr. Reynolds: And it also appears on page 4 in paragraph ten.

Mr. Seyfarth: I have no objection to that amendment.

Mr. Reynolds: I think that covers all the specific errors that I have discovered.

I will offer in evidence two exhibits which I have not offered before, Board's Exhibit 5, being the constitution and by-laws of the Link Belt Company's Employees Board, and Board's Exhibit 6, being the minutes of some of their meetings, and Board's Exhibit 18-A, entitled "Questions and Answers Concerning the Wagner Act" prepared 1052 by counsel for the National Metal Trades Association.

Trial Examiner McCarthy: They may be received. (The documents heretofore marked "BOARD'S EXHIBIT NO. 5," "BOARD'S EXHIBIT NO. 6" and "BOARD'S EXHIBIT NO. 18-A," for identification, were received in evidence.)

Mr. Seyfarth: The Board is now finished with its case?

Mr. Reynolds: The Board now rests.

Mr. Seyfarth: And that is all the Board has to offer?

Mr. Reynolds: That is all I have to offer.

Mr. Seyfarth: I have some motions to make.

Trial Examiner McCarthy: You will be heard. Will you please state them.

Mr. Seyfarth: Yes. I move to dismiss the complaint as a whole on the grounds that the Board has failed to establish the allegations in the complaint. The Board witnesses have affirmatively proved the respondent's defense and disproved the allegations in the complaint. Does the Examiner want to rule on that?

Trial Examiner McCarthy: Reserve decision.

Mr. Seyfarth: My second motion is that I move to dismiss each paragraph of the complaint which relates to alleged violations of the Act on the ground that the Board has not established affirmatively the allegations in the complaint.

Trial Examiner McCarthy: Isn't that the same as 1053 the first one?

Mr. Seyfarth: It goes to each individual paragraph.

Trial Examiner McCarthy: The motion to dismiss generally will cover it all.

Mr. Seyfarth: With the understanding that we have made a motion as to each individual paragraph.

Trial Examiner McCarthy: Yes, yes.

Mr. Seyfarth: I move the Board to strike the testimony of Pete Solinko, Frank Solinko, Frank Lackhouse, Fred

Johnson, Donald Sullivan, Edward White, and John Tomas, on the grounds that the testimony given by each and every of said witnesses is immaterial and irrelevant, and is not connected to any violation of the Act by the respondent, or anything upon which a reasonable inference of a violation could be based.

I move that the testimony of Alex Kachka and Nels Carls Sorenson be stricken on the ground that each of said witnesses is immaterial and irrelevant, and is not connected up to show any violation of the Act by the respondent, or anything upon which a reasonable inference of a violation could be based.

I move that the testimony of Nick Cumerich and Paul Bozurich be stricken on the grounds that it is immaterial, irrelevant—

Trial Examiner McCarthy: On the same grounds.
1054 Mr. Seyfarth: And on the additional ground that there is no showing that the witnesses were discharged for union activities.

I move that the testimony of Frank Lackhouse and Mike Korbel, Harry Johnson, Joe Thomas, John Kalamarie, Dominick Pronsktes and Stanley Balcauski be stricken, and the testimony of each individual witness named be stricken on the ground that it is immaterial and irrelevant and not connected up to show any violation of the act by the respondent or anything upon which a reasonable inference of a violation could be based; and the testimony wholly failed to disclose any discharge for union activity.

I move to strike the testimony of O. R. Abbott and the witness James Cousland on the grounds that it is immaterial and irrelevant, and there is nothing in the testimony of either of the two witnesses Abbott or Cousland which had anything to do with the union activity on the part of the Link Belt Company.

I further move that the complaint as a whole be dismissed and each and every paragraph be dismissed.

Trial Examiner McCarthy: Isn't that your first motion?

Mr. Seyfarth: This is an additional assignment, Mr. Examiner, on the ground that neither the matters set forth in the complaint nor the proof in respect thereof affect commerce or burden or obstruct commerce or the free
1055 flow of commerce or have led or tend to lead to a labor dispute concerning commerce or obstructing commerce or the free flow thereof within the meaning of the National Labor Relations Act.

I move to dismiss the complaint and each and every paragraph thereof for the reason that during the conduct of the trial the respondent's right to cross-examine witnesses has been denied, hampered, interfered with and obstructed by the Trial Examiner. That is all.

Trial Examiner McCarthy: Reserve decision. You may proceed.

Mr. Wham: Mr. Linde, will you take the stand?

GEORGE F. LINDE, called as a witness by and on behalf of the intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. George F. Linde.

Q. Where do you live?

A. 7603 South Park.

Q. Chicago, Illinois?

A. Chicago, Illinois.

Q. And where do you work?

A. I work for the Link Belt Company at the 39th Street plant, 39th and Princeton.

1056 Q. How long have you worked there, Mr. Linde?

A. Upwards of sixteen years.

Q. What work have you done there?

A. I have been for some years there an arc welder. Previous to that I was a general hand, fitting in wherever there was an opening needed there. I was an assembler for a short time, and when they got the welding machines in I started on that.

Q. Now, in just a very few words, tell us about labor conditions, labor discussions, and so forth, union discussions, from about 1936 down to April, 1937.

A. Well, in the early part of 1936 and a year or so before that I had been working by myself practically, with the exception of a crane man, and at short intervals some other man that was working alongside of me on work that was too large to put up in the cramped position of the south shop, which they moved across the street into what we are pleased to call the north shop, where that could be easily handled. While over there there were men that were going through the plant regularly, inspection men, what have you, on business of some kind, and I flattered

myself that I was friendly with practically every one of them—

Q. Make this as brief as you can.

A. We were friendly and we talked, that is as short as you want. We talked of this and that, and we noticed
1057 a growing dissension and fear and unrest that was developing practically all through the plant.

Q. Go ahead.

A. And in this talk and discussion one of the chief talkers and friends that would stop and talk at times with me was Louis Salmons. He would come through there and as he was passing he would stop and inspect my machine, to see if it was in working order, and while standing there we would start to talk about labor and the things that was in the public eye, in the working man's eye, everybody else's eye, just for a couple or three minutes at a time.

Q. Go ahead, but make it very brief though.

A. Well, the upshot of it was in our discussion we branched off like the Y of a road, he would pull toward an outside influence governing us, and I pulled toward a group of men governing ourselves.

Q. Did you have a union in that plant at that time?

A. None whatsoever.

Q. What about this Board or whatever they call it?

A. That was the Employees Representation Board which was composed of men elected by the different departments. They were voted, nominated and voted on by secret ballot once a year, alternately every six months, one-half one six months and the other half the next six months.

Q. What did they call it?

1058 A. That was the Link Belt Board, or something.

Q. A plan of employee representation?

A. Yes, sir.

Q. Did you ever hear of the same N. R. A. Union?

A. The shop name for that, just the shop name, was the N. R. A. Union.

Q. Were you connected with that union?

A. In no way whatsoever.

Q. Now, coming down a little closer now, Mr. Linde, did any other union commence to organize there?

A. I left in July of 1936, my wife was sick, or had had several operations, and the doctor advised me to take her out of the vicinity for a while. I think it was about ten

or twelve weeks. I know it was after Labor Day when I came back. I had been in Oregon.

Q. (By Trial Examiner McCarthy.) September of what year?

A. 1936, and as to that period of time I can't vouch for it, but when I came back, the unrest and uncertainty, and the grapevine, as we called it at the shop, had grown in intensity very, very much, and there were rumors of this and rumors of that, and the fellows were just in a turmoil in their own minds.

Q. (By Mr. Whaim.) Just make it as brief as you can.

A. What kind of turmoil they were in?

Q. Yes, what were they talking about?

1059 A. That they didn't want to be deprived of the right of governing themselves which they had in a large measure for years before that.

Q. Was some union being organized?

A. There was when I came back, just rumors of it when I came back. That is about the time, around that—
Mr. Reynolds: I object, not responsive.

Trial Examiner McCarthy: Read the question.

(Question read as above recorded.)

Q. (By Mr. Wham.) And if so, what?

Trial Examiner McCarthy: You may answer.

A. This talk all developed while I was gone, and it seemed to have come to a head there. They were talking of the C. I. O., so-called, at that time, which was a committee, I believe.

Q. (By Mr. Wham.) That is right.

A. The Steel Workers' Organizing Committee, I think it was called that had the absolute charge of it.

Q. Did you see any organizing work being done?

A. Well, I was approached indirectly as to how my feelings were towards it, and I assured Mr. Louis I still thought that a group of men themselves was a lot better off, that I couldn't see my way clear to go his way, so after that Louis went his way and I went mine.

Q. Was there any particular thing that you were
1060 waiting on at that time?

A. At that time and in the succeeding months thereto there were several cases that were coming up for trial, among them the Jones-Laughlin case—

Q. That is, in the Supreme Court of the United States?

A. Yes, that was in the Supreme Court. In fact, the whole country, as we are well aware, were anxiously awaiting a decision on that; and a group of my particular

friends, and undoubtedly others in other groups and shops all over the country, they were watching that with one thought in mind of taking action later on if such a turn of events would come that it would be necessary; and about the time that this progressed, we were getting along just among ourselves, we were talking here, talking there, and I don't doubt but that people were talking other places.

Q. All right, what did you talk about?

A. Well, we talked about the advisability of organizing our own little branch union and trying to keep the whole membership of the whole Link Belt Company in with us so that we could govern ourselves, so that we would not be burdened by any outside influences.

Q. Directing your attention to the date of April 12, 1937, what if anything happened that day?

A. We were working in the shop. I was in the south shops at the time, I had been moved in the meantime.
1061 They had a south shop and a north shop, and I was back in the south shop. I think it was about 12:30 or 1 o'clock at least when the first editions of the papers were delivered in the front office, and someone came to the office and said that the Act was legal, had been declared constitutional.

Q. That is, the Wagner Act?

A. The Wagner Act had been declared constitutional, and a group of us were dismayed, I am frank to admit, or we thought there was nothing for us to do.

Q. (By Trial Examiner McCarthy.) Why were you dismayed?

A. I will tell you, we had banked our hopes that it would be declared illegal, and immediately the labor unrest and trouble would have stopped, and our company would proceed and all the other companies would proceed to enjoy the prosperity which we thought was coming at that time.

Q. (By Mr. Wham): Go ahead. Don't continue along that line. What did you do?

A. Hubert Brucks, who worked along with me, John Litster and Art Rosenbaum, we got together and decided to go out and have a few drinks after work.

Q. How do you spell Litster?

A. L-i-t-s-t-e-r. After work we washed up and went out and had a few more drinks and talked the matter over. All this time, that was the night of the 12th—

Q. Before you had more drinks you had to have some?

1062 A. That is what we started with, and we decided—

Q. All right, go ahead.

A. We talked it over and we decided it was worth trying. We felt assured that the sentiment in the shop was strong enough to warrant making the effort. We were confident in our own minds—

Mr. Reynolds: If the Examiner pleases, I think we should know what effort he is talking about.

Q. (By Mr. Wham.) Just confine yourself to exactly what you did. What did you do?

A. We decided among the four of us that we would talk to an attorney and go out and try to organize an independent union which was free from all entanglements all the way around.

Q. Then what did you do?

A. Well, we decided—

Q. Did you have any knowledge of any independent unions at that time?

A. We had been reading during this time of several unions, one principally, which was possibly the biggest independent union in the papers at that time, the S.E.I.L.O., the Steel Employees Independent Labor Organization. I think it was in the Carnegie Illinois Steel Company plant at South Chicago, and we had noted several men's names who were in it, and had several friends out in the district, and I went out and talked it over with them. We got, I don't know how you would like to have it explained, a paper—

Q. An application?

A. An application, to see how many felt the same way that we did toward the organization of an independent group. We got that written up.

Q. Where did you draw it up?

A. That was drawn up that night after Litster and Rosenbaum went home.

Q. Who do you mean?

A. Brucks, I went out to his house. We worded it to the best of our ability so it would be as clear as possible.

Q. Then what did you do?

A. We got busy and figured out where we were going to make our next move.

Q. Did you have copies made of this?

A. We did, the next day, and during the course of the

next day we interviewed—oh, in the morning, we caught them in the yard and asked them different times if they would please go along with us. The fellows that were asked, most of them were more than pleased to go along, and they agreed to sponsor these lists; when we had a heading printed, they would take care of them, in other words.

Q. You say they were printed?

A. No, we had this mimeograph—it is not a mimeo-
1064 eograph, it is some other name, we call it a mimeo-
graph.

Q. When did you get them?

A. That was done Tuesday night and Wednesday morn-
ing.

Q. (By Trial Examiner McCarthy.) What day?

A. The 13th.

Q. (By Mr. Wham.) The 13th?

A. The 13th. Monday was the 12th, Tuesday was the
13th.

Q. Then what did you do?

A. Well, we spread them out among these fellows whom we had selected and told them to go to work.

Q. On the 14th, you mean?

A. The 14th, which was Wednesday.

Q. Yes.

A. Wednesday, Thursday and Friday the men were busy every minute that they could in one way or another to get these signed.

Q. Well, with what success?

A. We considered for the short time that we had, a phenomenal success.

Q. At what time of the day were they circulated?

A. These were handed out before 8 o'clock and the men were told to get signatures. That is all they were told, to get signatures.

Q. What I am getting at is with reference to the working hours, were the names signed up during the work-
1065 ing hours, or noon or before work or after work, or when?

A. A few of them were signed during the working hours, I am not denying that, but the great majority of them were signed at noon, in the morning and the evening, because the fellows would come around our benches as we were working and say, "Who has got that list, I want to sign it, who has got this list?" It was so big a feature that

they were all anxious to get on the bandwagon and do something. That was the general attitude.

Q. By Friday night how many did you have?

A. We had around 760 signatures.

Q. Then what did you do?

A. Well, Brucks and I decided that we had enough. In fact, every night we would stay after work. On our way out we would go and talk on our way home, he lived in the same neighborhood as I did, only a little further; and we decided that we had enough who believed as we did and were conscientious in it, in signing, which authorized us to go ahead.

Q. Had you talked to any of the employees when you took their signatures?

A. Some of them I have.

Q. All right, go ahead.

A. I would not like about it one way or the other, because I think they did, because I did it.

1066 Q. I understand, go ahead.

A. There were several fellows who said, "Just what is the idea?" I said, "Well, if you don't know, if you haven't heard enough, it is time you did," because that was the talk in the whole plant.

Q. You said that you felt that you were authorized by the sentiment of the men to go ahead?

A. Yes.

Q. What do you base that on?

A. By the number of signatures that were turned in from night to night, as the fellows came and reported to us that they had so many, and so many more, and so many more.

Q. What did you do after Friday?

A. Well, Friday night we decided that we had enough, but I didn't know what to do, so Brucks and I talked, and I said, "I will tell you, I have seen a lawyer's name, I have seen his name, what do you say if we go down and put him on the stem?" So we decided—

Q. (By Trial Examiner McCarthy.) What do you mean, putting him on the stem?

A. Without any money. We didn't have much money, and lawyers come high, the same as real estate. We were scared to death to get him almost, for fear that he would state such large charges for us. So we went down on the matter of counsel on how to proceed, if we could, 1067 without having to spend much money, to see if we

could contact a lawyer to help us. The lawyer happened to be Mr. Wham, and on Saturday morning—

Q. (By Mr. Wham.) Did you telephone him first?

A. Yes, I telephoned for an appointment and asked if he would be in. He said yes, he would be pleased to see us. He wanted me to tell him what I wanted, but I said I would rather not tell him over the telephone.

Q. All right, go ahead.

A. He says, "Come down, you know where my office is, you called me." I said, "O. K." so we made an appointment for 9:30 Saturday morning. We went down and stated our case. He said, "How much money have you got?" I said, "Damn little, we just came down for advice, if you will give it for a reasonable sum we feel that we can proceed on it."

He said, "Well, I have formed several organizations, and I have helped in such matters, why not, let me draw you up a bill of particulars all the way through." I said, "We haven't got any money to hire a lawyer, we just came down for advice." He said, "You haven't got any money?" I said, "No, sir." "Well," he said, "would you retain me if I was willing to take you on your face?" I said, "That is a god-send." So we proceeded to talk things over, and he asked me all the procedures which we had taken up to that time. We said that we were fully confident that we had the great majority, and I think I said to him we 1068 had about 78 to 80 per cent of the shop signed up on this. He asked for a copy of it, and I happened to have a copy in my pocket.

Q. (By Trial Examiner McCarthy.) You mean of the application?

A. Yes, and he looked it over, and he didn't say yes or no about it. He said, "Have you got the names that were signed to it?" And I said yes, and we got to talking—

Q. (By Mr. Wham.) What was done then?

A. Well, during the course of our talk he asked what we had done, how it was done, how we had done it, how it was all done; so we got around to where we drew up together from his records that he had of these previous organizations which he had organized, either organized or assisted a constitution. So we drew up a part of the constitution, and he wrote it up, and he said, "It is practically the same as the other constitutions I have drawn up."

Mr. Wham: I will ask to have this marked Intervener's Exhibit 1 for identification.

(Thereupon the document above referred to was marked as Intervener's Exhibit No. 1, for identification.)

Q. (By Mr. Wham.) I show you a document marked Intervener's Exhibit No. 1 for identification and ask you if that is a copy of what you are talking about? This, I may say, is the same as Board's Exhibit 1—are those 1069 exhibits here some place (document handed to counsel)—Board's Exhibit 16?

A. Yes, that is a copy of the constitution which you drew up in your office that morning, among other things.

Q. Now, directing your attention to page 5, the third page, where it mentions the 39th Street plant and committeemen and delegates, state how this happened to be placed in the constitution.

A. On that authority when Brucks and I were down at the office of the attorney we had no committeemen whatsoever, it was just a two-man affair, as far as it had gone at that stage.

Q. You mentioned some others?

A. What?

Q. You had mentioned Litster and Rosenbaum.

A. That I knew about down at your office.

Q. Just two of you were present?

A. Just two of us were present, and it was decided that we would get a bunch of boys together. This was probably in the afternoon on Saturday, about 2 o'clock, when nobody is home, and we figured on a committee of around fifteen, twelve or fifteen, but all that we could find was these seven which are mentioned here.

Q. And when did you find them and where?

A. Well, we finally got the seven together on a Sunday afternoon by telephoning. I called one man, for instance, and told him to go over and tell the other man, and called a meeting.

Q. Then what did you do?

A. Well, we met with the others that Sunday afternoon, and told them what the committee, as we were pleased to call ourselves, had done so far, and it was O.K.'d and ratified; and we took it upon ourselves that those present should be designated as the committeemen of the 39th Street plant to further the propagation of this independent organization.

Q. What was the reason for this action, that is, of the Organizing Committee placing their names in the constitution?

A. So that we would have a head. You have to have a

head to anything. It was to show that these men were fully cognizant of what had been done.

Q. Were you getting ready to do something?

A. Yes, they were getting ready to go out and call a meeting, and a certain number of things were to be done.

Q. And to approach the company?

A. Yes, sir, Linde, Froling, and Litster were delegates.

Q. (By Trial Examiner McCarthy.) You are Linde, aren't you?

A. Yes. They were delegated to approach the company and present this list of which we had been talking since the week before.

Q. (By Mr. Wham.) In order to approach the company you felt you had to have some designated officials for that purpose?

1071 A. Absolutely.

Q. Following that meeting on Sunday, what did you do?

A. I don't know what the rest of them done, but some of us got together and talked over just how we were going to go ahead and what we thought of things.

Q. Did you receive a document from me?

A. Yes, sir. That was on Monday that I received that from you.

Q. All right, and on the following day, which was Monday, wasn't it—

A. Yes.

Q. That would be April 20th, wouldn't it?

A. The 19th.

Q. Was the 19th on a Monday?

A. The 12th is Monday, so the 19th must be.

Q. That is right. I will ask the reporter to mark the document as Intervener's Exhibit 2 for identification.

(Thereupon the document above referred to was marked as Intervener's Exhibit No. 2, for identification.)

Q. (By Mr. Wham.) I will ask you if you have ever seen that before. (Handing document to the witness.)

A. Yes, this is the agreement which Mr. Wham drew up at that Saturday meeting along with the constitution and the other things, which we presented on a Monday
1072 to the company by the designated men, who were to be designated at the meeting of the group on the Sunday afternoon intervening.

Q. Is this in exactly the same form as the first draft submitted to the company?

A. Yes, sir—no, that is not, there were one or two small changes in the wording of it.

Q. Who suggested those?

A. Well, the committee didn't think it read just right. I can't remember the gist of it right now, but it was substantially the thing that you sent out.

Q. When you submitted it to the company did they agree to it at once?

A. No, Mr. Berry stated that he had not been given authority to act as the company's labor representative, and that he would have to get in touch with the officials of the company, the corporation, and either he, if designated, or someone else, would have to give that authority.

Q. Was there any suggestion for changes from the company? Do you recall that you submitted a second draft on the following day?

A. Yes, I was just trying to scratch my head and see what the change was. That is why I hesitated.

Q. Aside from what the change was, do you recall the second draft?

A. Yes, sir.

1073 Q. And that was handed to them on Tuesday, is that right?

A. Yes, sir.

Q. And then what happened to the document?

A. Well, on a Wednesday morning, I believe it was, the 21st, Mr. Berry called us into his office and read the authorization from Mr. Kauffmann, that he had been authorized to act as the bargaining agent of the company with the union, and asked for an inspection of the cards, of the proof that we exhibited.

Q. Did he sign this?

A. Yes, sir.

Trial Examiner McCarthy: Referring to Intervener's Exhibit 2?

Mr. Wham: Yes.

The Witness: Yes.

Q. (By Mr. Wham.) And that is your signature, is it?

A. No, that is John Litster's.

Q. John Litster's?

A. That is John Litster's signature, he was the chairman of the committee.

Q. That is Mr. Berry's signature?

A. Yes, sir.

Mr. Wham: I would like at this time to offer Intervener's Exhibits 1 and 2 for identification in evidence.

Trial Examiner McCarthy: They will be received.

1074 Mr. Reynolds: I will object on the ground that Intervener's Exhibit 1 is already in the record. I don't see the purpose of putting it in again.

Trial Examiner McCarthy: Will that be convenient? It will be more convenient to the Board and keep from cluttering the record up. We will refer to it—

Mr. Wham: I would just—

Trial Examiner McCarthy: We will refer to it as Board-Intervener's Exhibit 16.

Mr. Wham: That will be all right.

Mr. Reynolds: I have no objection to No. 2.

Trial Examiner McCarthy: That will be Intervener's Exhibit No. 1.

Mr. Wham: I would like to move to substitute a copy.

Trial Examiner McCarthy: Yes.

Mr. Wham: This is our original agreement.

Trial Examiner McCarthy: Yes.

Mr. Wham: I might state for the record that the number is to be changed on the second one.

Trial Examiner McCarthy: Yes.

Mr. Wham: Intervener's Exhibit 2 for identification is to be admitted as Intervener's Exhibit No. 1.

Trial Examiner McCarthy: Yes.

(The document heretofore marked "INTERVENER'S EXHIBIT NO. 1," for identification, was received 1075 in evidence.)

Trial Examiner McCarthy: We will recess for five minutes.

(Whereupon a brief recess was taken.)

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Wham.) Now, Mr. Linde, you said a minute ago that you were sorry the Wagner Act was upheld. What was your attitude toward the N. R. A. Union?

A. Well, personally it did not do us as much good as I thought it should do, and I thought if we could eventually get it entirely into the hands of the men and the men only, who would make their own decisions and then present them to the company, rather than the company in any way, shape or form forming the opinions in any way, shape or form, the men would be much better off.

Q. In other words, you were in favor of something different than the N. R. A. Union?

A. Absolutely.

Q. And having the men run it?

A. Yes, sir.

Q. Now, directing your attention to April 19th, which was Monday, the day on which you say you first handed this Intervener's Exhibit No. 1, or the first draft of it, to Mr. Berry of the company, will you tell about where that was, who was present, and what was said and done there.

1076 A. On this call on Mr. Berry the committee stated they would like a meeting with him. He said, fine, he would be pleased to meet with us, and that he would be in his office, I believe it was, at 2 o'clock in the afternoon, if I am not mistaken, or something like that. Mr. Litster, Mr. Froling and myself were present with Mr. Berry.

Q. Who is Mr. Froling?

A. Ray Froling, he works down in the boring mill department of the Link Belt Company. He was one of the delegates which was selected at this Sunday meeting.

Q. Mr. Litster was another delegate?

A. Yes, sir; to present this list of names to Mr. Berry, showing that we had a majority.

Q. What did you do, and what was said?

A. We went up there and Mr. Berry, as usual, addressed us in a group. He said, "What can we do for you boys?" Mr. Litster spoke up and said, "Mr. Berry, we have a list of names here we wish to present to you and ask that you recognize this group of men as the sole bargaining agent of the employees of the Link Belt Company's 39th Street plant. We have banded ourselves under the name of the Independent Union of Craftsmen."

Q. Then what was said and done?

A. Mr. Berry said, "May I see that list?" and Mr. Litster said, "Certainly."

1077 Mr. Wham: I will ask the reporter to mark this Intervener's Exhibit 2 for identification.

(Thereupon the document above referred to was marked as Intervener's Exhibit No. 2, for identification.)

Q. (By Mr. Wham.) I show you Intervener's Exhibit 2 for identification, of some one hundred cards and sheets of paper with 101 names and some typing there, bunched together, and also some letter sized lists with typing at the top, and I will ask you if you have seen them before.

A. I have. These are several copies that we passed out to certain men in the shop, and it was understood that those—

Q. Aside from that, is that what you handed to Mr. Berry at that time?

A. Evidently it is.

Mr. Seyfarth: Excuse me, counsel, how many names appear on this list?

Q. (By Mr. Wham.) I will ask you how many names are on that list?

A. Seven hundred and sixty odd names.

Mr. Seyfarth: How many cards are there?

Mr. Wham: One hundred cards.

Mr. Seyfarth: What do they designate, what are those cards?

Mr. Wham: I would suggest that we cover this 1078 in order, I can't get to everything at once.

Trial Examiner McCarthy: Correct, proceed.

Q. (By Mr. Wham.) Now, what did you tell Mr. Berry when you handed it to him?

A. I told him that this was a list of men who had signed up and authorized us to proceed with the formation of an independent organization, and that under that authorization we were asking sole recognition for the bargaining rights at the 39th street plant.

Q. What did he say then?

A. He said, "May I have the cards?"

Q. Did he ask for the list?

A. The list. He said, "May I have it?" Mr. Litster said, "No, you can't have it, you can see it." He said, "May I look it over? Have you any objection?" He said, "No, I want you to."

Q. What did he do then?

A. He took it and opened it up and counted the names, or ran up and down it; and I believe he called for, or he may have had on his desk at that time, a list of all of the members—or all the people who worked at the 39th street plant.

Q. Then what did he do?

A. He checked to see the members, back and forth. We were up there for an hour and a half or two hours, while he was doing his bookkeeping work, you might 1079 say, checking back and forth, to satisfy himself that there was a great majority, I suppose, of the men of the plant.

Q. How many employees, if you know, were there in the 39th Street plant eligible to join the union? I mean by that, under the rank of supervisors?

A. Roughly, as our understanding was, it was between nine hundred and fifty and a thousand, maybe a little more, certainly not any greater.

Q. Where did you get that information?

A. Well, there are ways and means. We talked to certain fellows here and certain fellows there, and we had a rough estimate of it.

Q. After he had looked it over for an hour and a half or two hours, what did he do?

A. He said—he made the statement that he did not as yet have authority to sign anything like that here, and anything like that he would have to take up with the main office; and as soon as he had transmitted the information to them, that we had requested recognition, and got a reply, that he would call us in and let us know about it.

Q. And then what happened? You left, did you?

A. Yes, we left and returned to work.

Q. Did you take your list with you?

A. Absolutely.

Q. And where had that been since that time?

1080 A. The list has been in the safety deposit vaults from that time up until—I think it was last—now, let me see, this is Friday; I think last Thursday or Friday I had my wife get them out of the safety deposit vaults so we could have copies made, have typewritten copies, because some of these names it is a practical impossibility to read.

Q. Did you have possession of them and did you put them in the vault?

A. Yes, sir.

Q. And your wife got them out for you?

A. Yes, sir.

Q. And have you checked them over since that time?

A. Yes, sir.

Q. I mean, since they were copied?

A. Yes, sir.

Q. And can you state whether or not they are in the same condition now that they were at the time you submitted them to Mr. Berry?

A. They are.

Mr. Wham: I offer them in evidence, and move for leave to substitute a typewritten list.

Trial Examiner McCarthy: It will be granted, and it will be received.

Mr. Seyfarth: No objection.

(The document heretofore marked "INTERVEN-
1081 ER'S EXHIBIT NO. 2," for identification, was received in evidence.)

Trial Examiner McCarthy: This list also carries the headings.

Mr. Wham: The headings?

Trial Examiner McCarthy: Yes.

Mr. Wham: Yes.

Q. (By Mr. Wham.) Now, Mr. Linde, when you were down at my office on the Saturday before was there anything said about the form of the application which they had signed?

A. Yes.

Trial Examiner McCarthy: You mean the application for membership?

Mr. Wham: Yes.

Q. (By Mr. Wham.) What was said and what was done?

A. The application was not just as clean, or in nice condition—not necessarily—

Q. I am talking about the wording, and so forth.

A. It was not worded just strictly according to Hoyle; but in our poor way we done the best we could. So Mr. Wham wrote out a suggested form of application blank, which he suggested that we have sent to the printers and printed and have the men sign.

Q. What if anything was done in regard to that?

A. At the meeting on a Sunday afternoon—

1082 Q. You mean on the 20th?

A. No.

Q. On the 18th?

A. On the 18th.

Q. Yes.

A. The committee authorized me to have these cards, after I submitted your suggestions to them, among other things, printed, to carry out your part.

Q. Then what was done?

A. Upon receipt of these cards I took them and distributed them around to practically the same group of men who had started to get these original applications, with the understanding that in the meantime these fellows had contacted more men who could assist them; and these applications were sent out and taken through the same routine practically as the first ones.

Q. And over what period were they signed up?

A. They were signed up within a period of three or four days.

Q. I mean what date, approximately.

A. From the—I think I got them—

Q. Well, was it after you were recognized on the 21st?

A. Let me get my dates straight here now. It was during that time when we signed up—that they were being signed up.

Q. And who had possession of them at that time?

1083 A. After they were signed up and turned over to me I had possession of them until we had a meeting on the 4th of May. And according to our set-up, to look into the future, we had built rather on a national scale, our set-up; and as such the 39th Street plant elected what we are pleased to call a local secretary, and at that time he took over the duties of the general secretary.

Q. You turned these over to him then?

A. And I turned them over to him.

Q. Now, have you checked them over? Have there been any cards added since that time?

A. Yes, there have been.

Q. And did you check over this bunch of cards which I will ask to have marked Intervener's Exhibit 3 for identification, in the last three days?

(Thereupon the document above referred to was marked as Intervener's Exhibit No. 3, for identification.)

A. I have.

Q. You can state what else Intervener's Exhibit 3 consists of.

A. The bigger group of cards consists of all applications received up until August 1st. After that—

Q. And they are divided how? I mean, in what way are they arranged?

1084 A. They are in a man's plant number.

Q. According to the check number?

A. Not according to the applications as received or alphabetically, but by his number in the plant.

Q. (By Trial Examiner McCarthy.) His clock number?

A. His clock number, yes, sir.

Q. (By Mr. Wham.) And what is the smaller list you have there?

A. These are the applications received since August 1st and they are in check number order.

Q. Now, I show you a typewritten list which I will have marked, which I will ask to have marked Intervener's Exhibit 3-A for identification.

(Thereupon the document above referred to was marked as Intervener's Exhibit No. 3-A, for identification.)

Trial Examiner McCarthy: Are you going to introduce the cards in evidence?

Mr. Wham: Yes, I am going to introduce them and ask leave to withdraw them and substitute the typewritten lists of the names.

Q. (By Mr. Wham.) I will ask you if this is the list of cards, both the large list and the small list. First, I will ask you if this is the list to August 1st?

A. This is the list to August 1st, up to and including August 1st, yes, sir.

Q. I show you a typewritten list which I will ask to have marked Intervener's Exhibit 3-B and ask you if that is a copy of the names of the smaller list of cards after August 1st.

(Thereupon the document above referred to was marked as Intervener's Exhibit No. 3-B, for identification.)

The Witness: Yes, sir.

Mr. Wham: I would like leave to introduce Intervener's Exhibit 3 and substitute 3-B therefor.

Trial Examiner McCarthy: Off the record.

(Discussion off the record.)

Trial Examiner McCarthy: Intervener's Exhibit 3-A and 3-B will be received.

(The documents heretofore marked "INTERVENER'S EXHIBIT NO. 3-A" and "INTERVENER'S EXHIBIT 3-B," for identification, were received in evidence.)

Q. (By Mr. Wham.) I show you, Mr. Linde, Board's Exhibit No. 13, which is an application blank card for membership in the Independent Union of Craftsmen and ask you to state if that is an exact duplicate of the cards which were signed on the list introduced as Intervener's Exhibits 3, 3-A and 3-B.

A. It is.

Q. Now, following the meeting with Mr. Berry on the 19th, 20th and 21st, I mean, during that interval, did 1086 the committee do anything further?

A. Yes, we were busy going around picking up the loose ends. We were engaged in hiring a hall which was adjacent to the men, convenient for the greatest number of people in the plant, where we had decided to hold a meeting and have ratified the actions which we had heretofore been engaged in; and also to have our attorney, Mr. Wham, present to explain the purposes and meaning of the constitution and by-laws which we had submitted during this time, that we had printed during this interim and passed out to the men.

Q. As a result of that activity, what did you do?

A. This meeting was called for the Lithuanian Hall at 3133 South Halsted street.

Q. (By Trial Examiner McCarthy.) On what day?

A. That was on a Thursday.

Q. (By Mr. Wham.) That would be the 22nd?

A. Wednesday was the 21st, Thursday was the 22nd, that is right.

Q. (By Trial Examiner McCarthy.) 1937?

A. 1937, that is right. This is a rather large hall with a balcony. The main floor—

Trial Examiner McCarthy: Is a description of the hall necessary?

Mr. Wham: I don't think it is necessary.

Q. (By Mr. Wham.) How large a hall is it?

1087 A. The main floor when we rented—

Q. (By Trial Examiner McCarthy.) How many people would it hold?

A. Eight hundred and seventy to nine hundred people comfortably seated.

Q. (By Mr. Wham.) On the main floor?

A. Yes, sir.

Q. How did you announce this meeting?

A. By word of mouth, by the grapevine, as we call it, and by small printed cards which were handed out at the gates.

Q. Now, there has been some testimony here that the cards were distributed through the plant during working hours. Do you know anything about that?

A. I do not, sir.

Q. Do you know what time of day the cards were handed out at the gate?

A. In the morning, and in the afternoon, going home; although I did see a lot of cards all through the shop here and there.

Q. How did they get there?

A. Well, the fellows read them and threw them away, dropped them.

Q. Now, did you pass out anything else about that time?

A. Copies of the proposed constitution were passed out.

Q. Where did you pass those out?

1088 A. They were passed out to the men when they came in, as they came in. During the noon hour the men came over for additional cards, additional copies, I should say, for this fellow, that fellow, the other fellow,

who didn't get a chance to get them. They would say, "Joe says he didn't get it, he would like to read it," and so on.

Q. Will you tell us about the meeting, who was there and what happened?

A. Well, there was quite a number there. There was upwards of—and this by tally by one of the men who was on the door, and he was not there during the entire time. While he was on the door there was by actual count—

Q. Do you know the name of the man who was at the door?

A. No, but I can get it very easily, but it has slipped my mind.

Q. Will you get it and bring that in tomorrow?

A. Yes. He had one of those speedometers, whatever you call them, and they had an actual count of 478 while he was on the door. At times there was a little disturbance here and there and he had to leave the door.

Q. Did anyone else count the number there?

A. Just by rough estimate from the size of the hall, and roughly the number in each group as we checked them, as you would estimate the size of a throng. We estimated at least five hundred and a half conservatively.

1089 Q. Five hundred and fifty?

A. Yes.

Q. With reference to the women and children, how many were there?

A. We have about forty girls employed in the plant. We had a sprinkling of them, I would say probably ten or twelve of them, and I would say three or four of the wives, just roughly, of the wives of the men, and some of them had children, and there were three or four small children there sitting in the back row of the hall.

Q. The constitution, of course, show it, but just briefly what unit did the union cover in the plant?

A. The union covers all men in the plant, men and women not in an executive or supervisory capacity.

Q. So that it took in members from every department?

A. Every department.

Q. Including the office?

A. Including the office, because they are just employees, just as we are.

Q. What time did the meeting commence?

A. It commenced around 8 o'clock, I should say.

Q. This is the first meeting, on the 22nd?

A. That was the second meeting.

Q. No, the first meeting we are talking about.

A. Well, the men went from work there.

1090 Q. That was about what time?

A. Around 6 o'clock or 6:30. I am getting ahead of my story.

Q. Go ahead, proceed.

A. Mr. Litster presided because he had been delegated to act as chairman of the delegates, who constituted themselves the delegates; and Mr. Wham, the attorney, was there to give a talk and rendition on the subject of the union and the constitution.

Q. Now, just give us the order of the meeting as briefly as you can. What happened there?

A. Well, Mr. Wham—

Q. Did Mr. Litster stand up or sit down, or what did he do?

A. There is no question about it, he is a gentleman, and when he is addressing a meeting like that, why, he called the meeting to order and briefly explained the different reasons and purposes; but he was not a fluent speaker, not competent enough to tell the entire details of it, so he turned the meeting over to the attorney, who proceeded to explain it.

Q. You mean he called on the attorney to speak?

A. Yes.

Q. Now, just tell us in your own words what the attorney for the union said.

A. Well, the attorney for the union got up and
1091 identified himself briefly, and told of his past experience in handling cases like that, what experience he had in connection with the men in other companies. Then he went on and read and explained the thought behind each and every article of this proposed constitution.

Q. What about the Wagner Act itself?

A. Yes, there was read off certain sections of the Wagner Act from this pamphlet which is a part of the evidence here.

Trial Examiner McCarthy: What is that?

The Witness: There is a copy of it. He read from that, like this, these rules and regulations (indicating) concerning the Wagner Act.

Q. (By Mr. Wham.) Which are attached to the complaint in the file here?

A. Yes, sir.

Q. And with reference to the part which the company could play?

Q. (By Trial Examiner McCarthy.) You mean that the attorney explained the Wagner Act from the rules and regulations of the Board?

A. Not of the Board, of the Wagner Act.

Q. The rules and regulations or a copy of the Act?

A. A copy of the Act.

Mr. Wham: That is the one—

Trial Examiner McCarthy: I am not clear yet, 1092 whether it is a copy of the Act or of the rules and regulations.

Mr. Wham: It was both. I had a copy of the Act together with the rules in front; one of those with the green covers, attached to the complaint here.

Trial Examiner McCarthy: I see.

Q. (By Mr. Wham.) With reference to what function or what part the company could play in the organization and operation of a labor union under the Wagner Act and the Jones-Laughlin decision, what did the attorney say?

A. The attorney said that under the decision of the Supreme Court the companies could in no way interfere, aid or abet in the formation or destruction of a union, in any way whatsoever; and that it was entirely up to the men themselves who they wished to represent them and how they wished to be represented.

Q. Was there anything said about the method of financing the union?

A. The method of financing was talked over in the guise of dues.

Q. With reference to the company, did the attorney say anything about the company's ability to finance the union?

A. Well, that was covered in my previous statement when—I meant to cover it when I said that the company could in no way do anything in any way.

Q. Including financing?

1093 A. The financing was included, yes.

Would that include direct or indirect financing?

A. No, in other words, the union had to stand on their own as far as the company was concerned, they had nothing to do in any way, shape or form; that we had before that what we were pleased to call the N. R. A. Board, which had operated for a reasonable period just before that, while the company was—had supplied the hours, or paid for the hours, and anything else that went on; but the

entire union from then on had to stand on its own absolutely as far as the companies were concerned.

Q. Was there any chairman or secretary or both selected for the meeting?

A. There was.

Q. Tell us who they were.

A. John Litster acted as chairman and I acted as the secretary.

Q. Was there any election for those positions?

A. No, there was not because we took it upon ourselves, with justification, that we had been appointed by the committee on that previous Sunday to carry this out.

Q. I am talking about the chairman and the secretary for the meeting, just for the meeting. Was there any chosen?

A. A statement was made that if there was no objection that we would be—that they would act as chairman and secretary, and there was voiced approval.

Q. Was there a vote taken on that proposition?

A. I think there was.

Q. At any rate you acted as secretary of the meeting?

A. Yes, sir.

Q. Now, what business was transacted there at that time?

A. After the reading of the constitution and talk by Mr. Wham on his subjects and the subject of the union and the group involved, a motion was made, passed, and debated upon, that we should form ourselves into an independent union to be known as the Independent Union of Cramtsmen; and that for the present time, until we could have a further election, that the officers so delegated at that first—by that first committee, would act in that capacity.

Q. Was there any resolution concerning the approving or ratifying of the work of the Organizing Committee?

A. There was, and that was passed.

Q. Now, will you tell us about the method of voting, the number voting, and so forth?

A. In a group of that size which I in my poor way designated as a mass meeting of the organization, it would be a physical impossibility, without any long time possibility of getting together the organization, to have a ballot vote, so it was taken—the vote was taken by a rising vote, and of this number present fully ninety per cent of them stood.

1095 Q. Now, was there any argument there or discussion?

A. There was, quite a bit of discussion; and then from some sources, which we had suspected, there arose some unruly discussion, which was entirely out of place on the subject which was being spoken of at the time; and when the disturber did not cease, as he was requested, in the interest of law and order, the committee had asked that he leave the hall, and the several people who were with him left the hall. These people, some of them—I will not state that they were in a totally intoxicated condition, but they were certainly well taken care of before they came up there in the matter of drinks.

Q. Now, among the people who were trying to do business, what was the discussion about mostly?

A. On the method that we would go about electing officers permanently; whether these fellows were to be kept in permanently or whether we would choose to have another election later on and they could pick their own, if they so desired, different ones.

Q. What was the result of that discussion?

A. The result of that discussion was it was ordered that we hold another election, and that until that time the committee which was elected would carry over until we had another election; at which time admission to the hall would be by membership cards, and by secret ballot and nominations the voting would be carried on.

Q. Was the recognition agreement discussed at all or read at all in that meeting?

A. It was, and it was voted and approved.

Q. I believe you said that they approved and ratified the acts of the organizing committee and adopted the constitution. Was there an election held then after that?

A. On May 4th an election was called.

Mr. Reynolds: If the Examiner please, I object. I don't think there was any answer to the previous question. I would like to have that answer.

Trial Examiner McCarthy: Will you read the question?

(Question read as above recorded.)

A. They did.

Q. (By Mr. Wham.) Where was the election held?

A. At the hall, 3133 Halsted.

Q. At the same place?

A. Yes.

Q. What time was that?

A. This was in the evening.

Q. What preparation was made for the election, what notice was given, and so forth?

A. Notices were posted on the union's bulletin boards which were scattered around the plant. I think there were seven. And by word of mouth and by small 1097 placards which were passed out at the gates. For that matter, we did not need to send out any notification; everybody was so interested in it.

Q. About how many attended this election?

A. Oh, there must have been 450, between 400 and 450.

Q. What time did it convene?

A. Around 8 o'clock in the evening, 7:45.

Q. Who presided?

A. Mr. Litster opened the meeting and he called for the election of a temporary chairman.

Q. Who was elected?

A. Mr. Kresge, one of the clerks out in the foundry.

Q. How do you spell that?

A. K-r-e-s-g-e.

Q. Did he then preside?

A. He did. Mr. Kresge is a very fluent speaker, he has had considerable experience in running meetings. That is why his name was suggested.

Q. Did they elect any other officers? I mean, just for the meeting? Did they elect a secretary?

A. Yes, I was temporary secretary of the meeting.

Q. Now, tell us what happened.

A. Mr. Kresge—

Q. (By Trial Examiner McCarthy.) This was May 4, 1937?

Mr. Wham: May 4th.

The Witness: Yes. Mr. Kresge made the announcement what the meeting was called for, and it was the only business that the meeting had been called for, so that they proceeded directly along this line. So he immediately called for nominations.

Q. (By Trial Examiner McCarthy.) What line?

A. Along the line of what the meeting was called for, which was an election of officers.

Q. As contained in the notification or the notice?

A. Yes. The suggestion was made and adopted that each department would select a man as officer, bring

them up, and then the general body would vote on them for whatever office this man was put up for.

1099 Q. (By Mr. Wham.) You mean each—

A. Pardon me?

Q. You mean the members from each department at the meeting might make one nomination?

A. Yes, and nominate a man.

Q. Proceed.

A. We had a blackboard which we got, on which every one of the names were put on as they were nominated in the various departments for the office then under consideration. Then blank sheets of paper—then an election committee was appointed from the floor, consisting of Mr. Ross and Mr. Stripens.

Trial Examiner McCarthy: I wonder if it would not be possible to stipulate that under your supervision the organization was full and complete, or is there any reason why that should not be done? We might save a little time.

Mr. Wham: I think we can shorten this.

Q. (By Mr. Wham.) Just tell us who was elected.

A. Eddie Rask was nominated and elected president of Local No. 1. John Kowatch was elected vice president. Frank Conybear was elected secretary and treasury. Mr. Litster was—

Q. What about the treasurer?

A. Oh, Art Rosenbaum was elected treasurer.

Q. You had three delegates, who were they?

1100 A. Mr. Litster, Mr. Froling and Mr. Linde.

Q. Yourself, you are Mr. Linde?

A. Yes.

Q. You were elected delegates?

A. Yes.

Q. That is, to the general council?

A. To the general council, which we had set up in the broad set up as I tried to explain before.

Q. What was done with reference to stewards?

A. Due to the lateness of the hour which all this entailed, the balloting, and so forth, the proposition was put to the floor that each and every man within the next two or three days, or at some other time, decide who he wanted to represent him in his own department as steward.

The committee of stewards, by the way, it might be well to state, was the real governing body of this union, everything had to be O. K.'d by them.

To go on with the story: These stewards were to be elected at noon or before or after hours by a secret ballot. They would all get around and decide on a man confidentially, or by ballot, just so everybody was satisfied, and report to the secretary so that he could post those names and hand them to the company, so the company would know who had authority to come up and claim recognition when they made a complaint for the men.

1101 Q. Was that scheme carried out?

A. It was.

Q. Do you know how many stewards were elected?

A. Thirty-one stewards. Some departments had a lesser number of men than others; in some of the small departments they doubled up.

Trial Examiner McCarthy: Mr. Wham, I wonder if we can't shorten this up. In these hearings, on the matter of proof that this is a labor organization, it is only necessary to prove that the employees participated, and the purpose of the organization is that of a labor organization.

Mr. Wham: We are going to shorten it as much as possible.

Trial Examiner McCarthy: I don't like to seem to limit counsel; at the same time I want to speed up the record.

Mr. Wham: Yes. One reason I went into this is because there seemed to be some question as to whether there was an election or not.

Trial Examiner McCarthy: I think that has been cleared up.

Q. (By Mr. Wham.) I show you a document which I will have marked Intervener's Exhibit 4 for identification, and another document which I will ask to have marked Intervener's Exhibit 5 for identification, and ask if Intervener's Exhibit No. 4 is a copy of the by-laws adopted by the general council?

(Thereupon the documents above referred to were marked "Intervener's Exhibits Nos. 4 and 5", for identification.)

1102 A. Yes, it is.

Q. And Intervener's Exhibit 5 is a copy of the by-laws adopted for the stewards?

A. It is.

Mr. Wham: I would like to offer these in evidence as Intervener's Exhibits 4 and 5.

Trial Examiner McCarthy: They may be received.

Mr. Wham: 4 is the by-laws of the general council, and 5 of the plant itself.

(The documents heretofore marked "INTERVENER'S EXHIBITS NOS. 4 AND 5", for identification, were received in evidence.)

Q. (By Mr. Wham.) Now, I show you a document which I will have marked Intervener's Exhibit 6 for identification and ask you if this is the charter issued by the Secretary of State covering the general body as a corporation not for profit in Illinois?

(Thereupon the document above referred to was marked "Intervener's Exhibit No. 6", for identification.)

A. It is.

Mr. Wham: I would like also to have this copy marked—

Trial Examiner McCarthy: Mr. Wham, the rules that we have in our practice make it unnecessary to introduce in evidence the constitution, by-laws and similar 1103 documents. He has established the fact that there is an independent labor organization, or that there is a labor organization known as the Independent Union of Craftsmen.

Mr. Wham: Yes.

Trial Examiner McCarthy: And it has officers and that there is an election. For the purpose of these proceedings that is usually sufficient.

Mr. Wham: I see.

Q Trial Examiner McCarthy: I think you have pretty clearly established that it is a labor organization

Mr. Wham: I would like to introduce this. I have a copy prepared of the original and I offer it in evidence as Intervener's Exhibit 6.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "INTERVENER'S EXHIBIT NO. 6", for identification, was received in evidence.)

Mr. Wham: Now, at this point there was one little change in the by-laws. We have one set of by-laws for the directors and one for the stewards in the plant. For that reason I would like to offer this also.

Mark this No. 7.

(Thereupon the document above referred to was marked "Intervener's Exhibit No. 7", for identification.)

1104 Q. (By Mr. Wham.) I show you a document marked for identification Intervener's Exhibit No. 7

and ask you if those are the by-laws adopted after the incorporation of the union?

A. They are.

Mr. Wham: I offer that in evidence as Intervener's Exhibit 7.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "INTERVENER'S EXHIBIT NO. 7," for identification, was received in evidence.)

Mr. Seyfarth: May we have a short recess, Mr. Examiner?

Trial Examiner McCarthy: All right, five minutes recess.

(A short recess was taken.)

Trial Examiner McCarthy: Proceed.

Q. (By Mr. Wham.) Mr. Lindé, did you attend any conferences with the management after you were recognized as a union?

A. Yes, sir.

Q. When was the first time?

A. I have a list in my pocket of these conferences. May I look at them?

Trial Examiner McCarthy: You may.

A. These are the major conferences which we had, which concerned the whole body of the membership. Many others were held of a minor nature which were settled with the foremen among the stewards.

On May 4th—that was the day that we had our second meeting and elected permanent officers—Litster, Froling and myself met the company in the person of Mr. Berry on the principal subject to consider an increase in wages to the hourly paid people.

Trial Examiner McCarthy: May I ask, Mr. Wham, does this relate to the fact that there was a labor organization actively representing the employees?

Mr. Wham: Yes, I wanted to establish that we did actually bargain for the employees.

Trial Examiner McCarthy: I see. Go ahead.

The Witness: On May 7th—

Trial Examiner McCarthy: For the agreement?

Mr. Wham: Not only for an agreement but for some other matters.

The Witness: On May 7, 1937, we wrote Mr. Berry a letter, as representative of the company, from the union, requesting a date—

Q. (By Mr. Wham.) Let me get this straight. What union did you represent?

A. The Independent Union of Craftsmen I am speaking of at all times right now.

Q. Yes; go ahead.

A. A request for a date to begin negotiations for a contract between the company and the I. U. C. On May 1106 11th Mr. Litster, Mr. Froling and myself were called by Mr. Berry for another conference on the wage subject.

He stated that the company was unable to meet our demands:

Q. What demands had been made?

A. We made the demand for a general raise for all plant employees.

Q. Of how much?

A. Of at least 5 per cent. We had asked at the start; and because a man can always come down, we had started out with asking for 10 per cent.

Q. Proceed.

A. The next date was May 18th. May 18th Litster, Sterling and myself, which was on the matter of the wage increase, and still they would not agree with us. At our request Mr. Berry made an appointment with Mr. Kauffmann on May 19th at the general office to carry on these negotiations, so we just adjourned until the next day.

Q. Who is Mr. Kauffmann?

A. Mr. Kauffmann is president of the Link Belt Corporation.

Q. Go ahead.

A. At the general office the company in the person of Mr. Kauffman said that the company had given us a 6 per cent increase on November 2, 1936, and 10 per cent on May 15, 1937. The company finally agreed to a 5 per cent increase on all hourly paid rates, this to be effective on June 1, 1937.

1107 On May 21st the same three met with the company for further negotiations on a working contract between the company and the men.

Q. Did you have one which you submitted at that time?

A. We had submitted a draft, a copy of which I have here.

Q. Yes.

Mr. Wham: Will you mark that Intervener's Exhibit 8? (Thereupon the document above referred to was marked "Intervener's Exhibit No. 8", for identification.)

Q. (By Mr. Wham.) I show you a document marked for identification Intervener's Exhibit 8 and ask you if that is the draft that you are speaking of?

A. This is a draft of the original with the pencil notations, changes in wording, changes in reading, changes in thought, noted on it from what we had originally written out.

Q. When were these pencil notations made?

A. These were made during the course of the meeting on this same day.

Q. (By Trial Examiner McCarthy.) What day was that, May 21st?

A. May 21st and later days.

Mr. Wham: I offer that in evidence as Intervener's Exhibit 8.

1108 Trial Examiner McCarthy: It will be received. (The document heretofore marked "INTERVENER'S EXHIBIT NO. 8", for identification, was received in evidence.)

Mr. Wham: Mark this as Intervener's Exhibit 9.

(Thereupon the document above referred to was marked "Intervener's Exhibit No. 9", for identification.)

Q. (By Mr. Wham.) I show you another document which has been marked for identification as Intervener's Exhibit 9, and ask you what that is.

(Handing document to the witness.)

A. This is the final agreement up to that time which was agreed upon between the company and the Independent Union of Craftsmen, subject to approval.

Q. What date was that?

A. This is—

Q. You said you had a conference?

A. We had a conference on May 25th also during that time. We couldn't settle it all at one date.

Q. And you had a conference on June 1st, 1937?

A. Yes, sir.

Q. Was that the time when this final draft was completed?

A. Well, we had some discussion on certain matters pertaining to seniority which we could not iron out to our satisfaction, and we asked to have a meeting with
1109 Mr. Kauffmann, because we felt that Mr. Berry by his explanation had gone as far as he could, but we were not satisfied with it; so on June 1st we had a conference with Mr. Carter, vice president; Mr. Burnell, vice

president; Mr. Kauffmann, president; to further go over these negotiations.

Q. After that, was this Intervener's Exhibit 9 completed?

A. It was completed up to that time so far as the company and we were concerned. We were frankly satisfied with it, but there is a provision in it which says it can be changed at any time.

Q. Who drafted Intervener's Exhibits 8 and 9?

A. Mr. Wham did originally, then the committee.

Q. You mean the attorney for the union, is that right?

A. Yes, sir.

Q. And did you submit this final draft to the company?

A. It was submitted, sent down to the general offices and apparently O. K.'d in its final form and we were called in to sign the agreement.

Q. Who by?

A. Mr. Berry called the executive committee into his office and said that he was ready to sign for the company.

Q. And then what happened?

A. And while—I don't believe the whole committee had even a chance to get there yet, and we were all preparing chairs around his desk to have a general discussion as 1110—we always did on anything like that. It was not just thrown at us, we fully discussed it. In that time the telephone rang and counsel for the Link Belt Company, I don't know where he was or who he was, called up and advised, as I understood later, Mr. Berry was not to sign that contract pending further negotiations, or pending further orders, but they would abide by it under an oral agreement.

Q. Did Mr. Berry tell you that after he had talked to the lawyer on the telephone?

A. He did then. He says, "I just received word not to sign it now."

Q. Did he say that the company would agree orally to the terms of this agreement?

A. Yes.

Mr. Wham: I offer this in evidence.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "INTERVENER'S EXHIBIT NO. 9", for identification, was received in evidence.)

Trial Examiner McCarthy: Is that the contract known as the contract of June 1st?

Mr. Wham: This is the June blank, but at that time—

Trial Examiner McCarthy: It was never signed?

The Witness: It was never signed.

Trial Examiner McCarthy: It was verbal?

1111 The Witness: It was verbal.

Q. (By Mr. Wham.) Now, this contract provides for a 5 per cent increase effective June 1st. Was that increase given?

A. It was.

Q. Go on with your list. Try to hurry this thing up.

A. On August 13th—by this time the union was incorporated and we were now known as the board of directors.

Q. Yes.

A. We had taken in Local No. 2, and we met with Mr. Berry as representative of the company for a bonus payment which had been suggested be paid to the night workers. These men normally are classed as day workers. As the work rises and falls we have to start night work for a time, and extra compensation, we felt, should be given to those who had to go off of their day shifts and work nights.

Trial Examiner McCarthy: We will take a few minutes recess until I see if we can get in here tonight.

(A short recess was taken.)

Q. (By Trial Examiner McCarthy.) Could you introduce this in lieu of your testimony?

A. I don't want to put this in, I want to keep a complete copy.

Mr. Wham: I can speed this up. I will ask some leading questions if that will be all right.

Trial Examiner McCarthy: That will be all right.

1112 Q. (By Mr. Wham.) Now, Mr. Linde, on the 13th of August you had negotiations concerning a bonus for nightshift work?

A. Yes, sir.

Q. Did the company agree to a bonus?

A. Yes, sir.

Q. How much did they give them?

A. 5 per cent.

Q. Now, on September 17th you met with Mr. Berry concerning a better vacation policy?

A. I did.

Q. And then on October 2nd you met with him to negotiate a closed shop, did you?

A. We did.

Q. On October 8th you met with him on seniority lay offs?

A. Absolutely.

Q. Then you asked for an appointment with Mr. Kauffmann on October 22nd?

A. We did.

Q. And you met with Mr. Kauffmann and other officers of the company?

A. We did.

Q. Concerning a closed shop?

A. We did.

Mr. Seyfarth: What date was that?

Mr. Wham: October 22nd.

1113 Q. (By Mr. Wham.) And on October 25th you, that is, the three directors and the presidents of the two local lodges, met with Mr. Kaufman again on that question?

A. We did.

Q. November 2nd you met with Mr. Berry on the proposition and it was turned down, is that right?

A. Absolutely.

Q. Then on November 9th you met with Mr. Berry further on the question of vacations for 1938?

A. Yes, sir.

Q. And November 15th you met together with Mr. Ross, president of Local No. 1, 39th Street plant, and Mr. Berry, and discussed the issuance by the company of a statement of policy which would embody the terms of this Intervener's Exhibit 9?

A. Yes.

Q. That is, the written agreement?

A. The written agreement, yes.

Q. Then you had a discussion on December 3rd and 6th concerning the vacation policy?

A. We did.

Q. Did you have some further conferences with regard to the company issuing a statement of policy?

A. Yes, we had several conferences with them on that.

Q. Did you have some meetings of the members
1114 of the lodges concerning that question?

A. We did.

Q. And as a result of that the company issued a statement of policy, which I will ask to have marked Intervener's Exhibit 10.

Will you mark that?

(Thereupon the document above referred to was marked "Intervener's Exhibit No. 10", for identification.)

Mr. Wham: I offer that in evidence.

Trial Examiner McCarthy: It may be received

(The document heretofore marked "INTERVENER'S EXHIBIT NO. 10", for identification, was received in evidence.)

Q. (By Mr. Wham.) And on February 15th did you meet with company to demand vacation pay for men who had been laid off for lack of work or for other causes, during 1938?

A. We did.

Q. What was the result of that?

A. We got it for them.

Q. Did they first refuse?

A. Yes.

Q. On February 21, 1938 you had another conference?

A. Yes, sir.

Q. You reached an agreement that employees who 1115 were laid off in 1938 due to lack of work would be paid the amount of money they were entitled to for vacation?

A. Yes.

Q. On March 3, 1938, did you ask that the company discuss the question concerning work and Independent lay offs?

A. We did.

Q. As a result of your conferences regarding vacation, did you reach an agreement on that?

A. We did.

Q. I will show you a document which I will ask to have marked Intervener's Exhibit No. 11 for identification and ask you if that is the statement issued pursuant to your negotiations for vacation?

(Thereupon the document above referred to was marked "Intervener's Exhibit No. 11", for identification.)

A. It is.

Mr. Wham: I offer Intervener's Exhibit No. 11 in evidence.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "INTERVENER'S EXHIBIT NO. 11", for identification, was received in evidence.)

Q. (By Mr. Wham.) Now, outside of these negotiations with the company has the union taken up other matters with the company?

1116 A. Yes, they have, matters that were not of import great enough to take it to the general offices, or the main offices of the plant. The stewards in making their complaints, minor complaints for minor matters, would have them dealt with through their meetings with the foremen and general foreman, and those entail—for example, there were several men who had been laid off during this slack time of 1931, '32 and '34; and when they were called back they were not on our vacation list for 1937. This other document pertains to the vacation list for 1938.

Q. (By Trial Examiner McCarthy.) Is that also seniority? Isn't that the way you established the seniority?

A. Yes.

Q. One of the witnesses before testified that he thought he had recovered his seniority because he got a vacation, is that correct?

Mr. Wham: Yes.

A. Those matters, there were two, three or four of them which, were brought to our attention. When they were, we made a plea for them, and I never heard of a case where they were not granted.

There was the case of a man who was a painter over in the crane department. He did not start there at the regular hour, I think he came to work about eleven o'clock, and we got back pay for him, I guess for a period of 1117 nine weeks that he had coming. The men would go in and complain to their stewards and make suggestions about better lighting, better air conditions, the aisles kept clear for traffic in that department, for their safety; and such conditions were changed radically here and there for the betterment of the men and their convenience.

Trial Examiner McCarthy: Have you a list of the stewards? The only one who has testified so far is Julius Robinson.

The Witness: We can readily produce them.

Mr. Wham: I think I have almost a complete list.

The Witness: We can get that readily for you. There has been some changes in that list.

Trial Examiner McCarthy: Of what date do you have it prepared?

Mr. Wham: I have a list, a partial list, at least, of those elected before May 14th.

Trial Examiner McCarthy: 1937?

Mr. Wham: Yes. Now, if you would like me to, I will read them into the record.

Trial Examiner McCarthy: Yes.

Mr. Wham: The first floor stewards; accounting department, Ray Walker; first floor, crane engineering department, V. Milke; second floor stewards, contract department, J. Hacker; second floor, design department, 1118 J. Conybear; second floor, order department; C. Heyer; the same floor, outside sales department, R. Davis; third floor, tippie department, E. Paulson; third floor, general engineering department, E. Zwart; third floor, standards department, F. Boynton; third floor, estimating department, O. Van Berdandt; third floor, record room, M. Schroeder; girl stewards, Ann Kuehn; foundry, J. Kochinsky and M. Masilione and Walter Balton and Julius Robinson;

Steel shop, Joseph Miller; steel shop, grey iron, Elmer Wilhelm and Charles Ehbart; lay out department, Charles Monroe; planning room, George Reidel; and boring mill, Ray Hallet.

D. K., Arthur Ross; Bullard and lathes, G. Fagerstrand; steel shop machines, Joseph Paldo; pattern shop, George Belanger; D. M. B. and D. W. C., John Steele; Welder, Brucks.

Trial Examiner McCarthy: Have you got a copy of that for Board's counsel and Respondent's counsel?

Mr. Wham: I will have to make it.

Trial Examiner McCarthy: Anything that will enable them to cross-examine on it, if they wish?

Mr. Wham: When they come to cross-examination, if they will ask me for this, I will give it to them. But it will be in the record.

Trial Examiner McCarthy: After they get the record it will not do much good.

1119 Mr. Wham: I mean, after they cross-examine they probably will not want it.

Trial Examiner McCarthy: No.

Q. (By Mr. Wham.) Have you finished, Mr. Linde, explaining some of the matters taken up?

Trial Examiner McCarthy: I think he has.

A. Those are just one or two examples which are germane in my mind.

Trial Examiner McCarthy: In other words, the record is clear that there has been collective bargaining by a labor organization.

Q. (By Mr. Wham.) Is it true that a large number of individual grievances would be handled between the stewards and the foremen without reaching the officers of the union?

A. There would.

Q. Now, what dues, if any, has the Independent union collected?

A. They have collected 50 cents a month as dues. They have been collecting it each and every month.

Q. (By Trial Examiner McCarthy.) Is that \$350.00 a month, roughly, from 700 members?

A. It fluctuates. At one time we had many more than that, paid members.

Q. (By Mr. Wham.) About how much total dues have you taken in, if you know?

1120 A. Oh, I should say better than \$3000.00.

Q. Has the union incurred bills and paid them out of its own funds?

A. They have.

Q. What bills?

A. Ordinary administrative bills, and our lawyer's fee.

Q. How much did you pay your lawyer?

A. On the 39th Street plant's part of the lawyer's fee was \$667.00, and the part for Local No. 2 was \$333.00, of which the 39th Street plant has paid off their indebtedness; and the Caldwell-Moore plant has materially paid their debt.

Q. (By Trial Examiner McCarthy.) Caldwell has paid off its debt?

A. Caldwell, Local No. 2, I think has practically cleared its indebtedness.

Q. (By Mr. Wham.) The Caldwell-Moore group paid the balance of \$1000.00?

A. Yes, sir.

Q. That is, \$1000.00 from the two?

A. That is right.

Q. Have they paid all of that, do you know?

A. \$200.00, I believe, that is my recollection of that.

Q. You have also had hall expense?

A. We have. We have two meetings a month at least, one of the stewards and one of the entire body.

1121 Q. Where do you hold these meetings?

A. The entire body meets—with the exception, I believe, of one time we have always met at 3133 Halsted Street. The stewards meeting, which is only about thirty,

requires a much smaller space, and we didn't feel we should go to the expense of hiring a large hall or contracting for it for such a small number of men, so we have had several smaller halls as a matter of convenience and some other considerations, which I have no knowledge of because I am not on that committee. We have met in the lower hall principally at 3133 Halsted, which is about a quarter of the size of the hall upstairs.

Q. Those are off the company's property?

A. Absolutely, yes.

Q. And you pay rent for them?

A. Absolutely, and we have receipts.

Q. Has the company ever paid any of the expenses of the Independent Union?

A. Not a dime.

Q. Do you expect to pay your attorney for representing you at this hearing?

A. We do.

Q. Now, Mr. Donald Sullivan testified that you talked to him about April 13th concerning the—concerning joining the Independent Union, in the washroom of the steel shop for about five minutes. Do you recall that conversation?

1122 A. Well, I don't exactly recall the conversation, but I would not doubt the man's word on it, because we are up in the washrooms, and if he was there, I probably did, I would not deny it.

Q. He says that was during working hours. Do you have any recollection of that?

A. No, I haven't.

Q. Were the washrooms available to employees during working hours?

A. They were at all times, the washrooms or the cloak rooms, and they have shower baths and everything, general sanitation, for the comfort of the men, and they are open at all hours.

Q. Now, he also said a few days—I will not say a few days, but at least some days later that you talked to him about four-thirty for three-quarters of an hour, do you recall that?

A. No, sir, because the thing in itself is laughable for the—

Q. You mean—

A. For the reason—

Q. Go ahead.

A. (continuing)—in the welding shop quite some time we have had two shifts, and the welding crew changes at four-thirty. The lay out gang quits at four-thirty, and where he states that he talked to me is a traffic lane 1123 where the traffic in the shop passes, from what I get of his testimony, and it would be a physical impossibility to be standing there.

Q. (By Trial Examiner McCarthy.) Did you hear his testimony?

A. No, a man told me about it from firsthand knowledge.

Q. (By Mr. Wham.) When did you get off at that time?

A. Four-thirty, sir.

Q. So if you talked to him starting at four-thirty you were not on company time, were you?

A. No, sir.

Q. Now, do you recall that conversation at all?

A. No, I don't. I will say this, and it is not an explanation or anything, but my duties in the course of my work are such, and of the great majority of the men on the steel floor, are such, that they have to go from one department to another, and call a man from one department to another to assist in the work, or call on one another for information, and if I was there at any time it was on a matter of work which entailed shop procedure, and necessity, and it was not after four-thirty, because we went home at four-thirty.

Q. He says, though, that you told him that the C. I. O. was made up of unreliable people, Communists and radicals. Do you recall telling him or anybody else that?

A. I do not, for the simple reason that I think that I have enough intelligence to know if I am trying to 1124 sell an idea I will not knock any idea that the fellow has, but I would try to show him a better one.

Q. In other words, if he was sold on the C. I. O. you would not call it names?

A. No.

Q. Now, reverting just for a moment back to this first meeting of April 22nd, do you recall Mr. Paul Bozurich asking for the floor and asking some questions?

A. I do.

Q. Do you recall whether or not he had any difficulty in getting the floor?

A. He had not at the first time he got up, and there

was about—well, I will qualify that—he had at the first, because there was about five fellows who jumped up at the same time that he did.

Q. All wanting the floor?

A. Yes, and finally he was given the floor after—oh, I will say two or three others had spoken ahead of him.

Q. And when he asked his questions, were they answered?

A. They were to the best of our ability, to the best of the ability of those present to answer those questions at the time due to the vagueness of the questions and the manner in which they were propounded.

Q. Do you remember Fred Johnson making a speech in that meeting?

1125 A. I do. I will say this for Mr. Bozurich, that he was not in that group, or in the group that Fred Johnson was in. He was sitting down and behaving himself.

Q. Wasn't Mr. Johnson behaving himself?

A. Absolutely not.

Q. You will bring in the name of that doorkeeper, will you, that kept count of the people at the door?

A. I have since learned, Mr. Examiner, from men who are here with me, that they have identified the man as a man by the name of George Reidel.

Q. How do you spell it?

A. R-e-i-d-e-l.

Trial Examiner McCarthy: I am sorry, but I don't quite get the materiality of this.

The Witness: You asked for it, to bring it in as soon as we found out.

Trial Examiner McCarthy: All right.

Mr. Wham: The doorkeeper.

The Witness: Yes, who counted the—

Mr. Wham: The number that were there.

The Witness: Yes.

Trial Examiner McCarthy: But generally the conflict between labor groups, rival labor groups in cases of this character are not material, but you may proceed. I see the reason, it was asked for.

1126 Mr. Wham: It was asked for, yes, and now we have got it in the record.

Trial Examiner McCarthy: Yes; proceed.

Q. (By Mr. Wham.) Do you know whether or not the employees who signed the application cards which were admitted, I believe as Intervener's Exhibit 3—

Trial Examiner McCarthy: Is there any distinction between application for membership and membership in the organization?

Mr. Wham: I will cover that.

Q. (By Mr. Wham.) Are you clear on the list I am referring to now?

A. The application cards?

Q. Those who signed the cards.

A. Yes.

Q. Do you know whether or not they paid dues?

A. We have records to show all those who did pay. I believe at least every one of them has.

Q. There couldn't be any more? You mean at least they paid at the beginning?

A. Yes.

Q. Were all those who signed the application cards considered members?

A. They were. We gave them a membership card.

Q. Have you got one of them there?

1127 A. I have.

(Handing document to counsel.)

Q. This is your original cards?

A. That was, for the payment of the first 50 cents dues.

Q. You would not want to put that in the record, I take it, being your original card, your own original card?

A. No, I would like to keep it, but if anyone wants to see it, they are welcome to it.

Q. At any rate, you did hand out membership cards to the members?

A. Yes. These cards were made from the application cards.

Q. Do you know how many membership cards were handed out?

A. I had 1500 from the printers.

Q. I mean, with relation to the application cards themselves, which are in evidence, how many membership cards were handed out?

A. At the time I turned over the books to the secretary for that first month I think there was 22 or 23 dollars, representing 46 men, who had not paid their 50 cents. I think that was the 18th of May when I turned over my dues.

Q. That was the first month's dues?

A. Yes, sir.

Q. So everybody but 46 paid by the time you turned them over?

A. Yes, and some of them I think paid later, I understand.

1128 Q. Do you know how many that would make that paid, approximately?

A. I think there were 624, I just can't remember the exact amount, but we have it in our records.

Q. And who were paid up by the time you turned the books over?

A. Yes, sir, for the month of May.

Q. And what was the date you turned them over?

A. We had the meeting on the 4th.

Q. Of May?

A. Of May, and I had a committee come out and check my books and accept them for the new secretary of the local.

Q. When did you turn them over?

A. On the 18th, I am pretty positive.

Q. By that time there had been six hundred and something—

A. I am pretty positive it is 624.

Q. —who had paid the first month's dues?

A. Yes, sir.

Q. Do you know whether or not the rest of them paid?

A. Some few did not. To my knowledge there was possibly six or seven cards which were later turned back.

Q. Who is the secretary now?

A. Mr. Al Friberg.

Q. Mr. Friberg can tell us accurately how many were paid?

A. He will, his books have just been audited for the year.

1129 Trial Examiner McCarthy: Mr. Wham, do you wish to continue on through or continue later?

Mr. Wham: I would just as soon adjourn. As a matter of fact, I would like to adjourn, and then I can probably think of another question to ask him.

Trial Examiner McCarthy: All right. In connection with the length of hearing, the Examiner is directed to cut the length of the hearings down as much as possible, and the Trial Examiner for that purpose is instructed to secure the cooperation of the attorneys. It is contemplated that the hearing shall be closed in two or three days. To accomplish that there are various devices that can be used, such as stipulation of fact, reading into the record those portions of the complaint which are admitted in the answer and permitting no further testimony on certain points except where absolutely necessary to present the rest of the testimony from being unintelligible, to prevent as much as possible cumulative testimony, by lengthening sessions and

holding night sessions. Under the circumstances we will adjourn until seven o'clock tonight.

Mr. Seyfarth: Mr. Examiner, is that the first time that that regulation or instruction of the Examiner has been read?

Trial Examiner McCarthy: Read where?

Mr. Seyfarth: In this hearing.

1130 Trial Examiner McCarthy: Yes, it is.

Mr. Seyfarth: That is all I want to know.

(Whereupon a recess was taken until 7:00 o'clock p. m.)

1131 After Recess.

(Whereupon, the hearing was resumed, pursuant to recess, at 7:00 o'clock p. m.)

Trial Examiner McCarthy: You may proceed.

GEORGE F. LINDE, a witness called by and on behalf of the Intervener, being previously duly sworn, resumed the stand and testified as follows:

Direct Examination (Continued).

Q. (By Mr. Wham.) Did the union have another lawyer?

A. No, sir.

Q. I mean, besides myself?

A. No, sir.

Q. Did you ever have a lawyer named Parker?

A. No, sir.

Q. Has the union attempted to do anything other than bargain to represent the employees?

A. Well, the union has always been on the lookout for the employees in every way, manner, shape and form in which it was able. In a way, they have tried to please the men—

Q. I am referring—

A. (Continuing.) —outside of working hours. They have furnished a family party for the workmen and their wives and children. They had a beer party for the men. They furnished parties for the girls to go to shows
1132 with and theaters between parties, because they did not care to come down to the beer party that the men had.

Q. What about sick and accident benefits?

A. That is in the formative stage, going through planning now, and we have been engaged with several insurance companies to get facts and figures relative to the establishment of a benefit fund for those who are sick or injured in the course of their work.

Q. Have you bargained for all the employees in the plant?

A. That is one of the conditions that was stated in our collective bargaining agreement. We attempted to have it just for the members of the Independent Union but the company said that according to law that they could not do that, that there could only be one collective bargaining agent.

Q. In other words, any benefit you get by collective bargaining is given to all the employees?

A. All of the employees benefit in equal manner.

Q. Has the company discriminated in favor of the Independent Union?

A. Absolutely not. In fact, there have been several protests voiced in open meetings and throughout the shop that due to these lay offs at the present time it seemed to them that the opposite was the case, that the union men, the Independent Union men, were being laid off and the others kept on.

1133 Q. Has anything been said to the management about that?

A. Yes, it was stated to them, and they said, "We are going strictly by seniority, we don't give a darn what the union is you belong to; on our list you started on such and such a day in the department in which you are working, and when that time comes, why, your number is up."

Q. Have there been any attempt made on the property of any of the Independent members?

A. Yes, in the last several months—

Trial Examiner McCarthy: Attempts at what?

Mr. Reynolds: I object.

Mr. Wham: On the property.

Trial Examiner McCarthy: On the property?

Mr. Wham: Yes.

Mr. Reynolds: I object unless there is a purpose disclosed for a question like that.

Trial Examiner McCarthy: What is to be proved by this, Mr. Wham?

Mr. Wham: Well, as I understand, some of the union records have been missing.

Mr. Reynolds: What has that got to do with this hearing? Are you making charges against some specific man?

Mr. Wham: We don't know who did it.

Trial Examiner McCarthy: Do you think that is relevant to the issues in this case, whether it is something 1134 missing or whether some outside agency might have done it?

Mr. Wham: We are not contending that the C. I. O. did it.

Trial Examiner McCarthy: It would seem to the Examiner that it would not be relevant unless you can connect it up with someone in some manner.

The Witness: No, we can't name anybody, absolutely not, if we could we would take action.

Q. (By Mr. Wham.) Have you been followed or checked up on?

Mr. Reynolds: I object, if the Examiner please, on the ground that it is immaterial.

Trial Examiner McCarthy: I wonder if that would not be—the Examiner feels that that is in the same category as the invasion of property.

Mr. Wham: In this particular instance—

Trial Examiner McCarthy: Even if it were true, would it have any bearing on the issues in this case?

Mr. Wham: We simply wanted to show for the record that Mr. Linde has been checked on and followed.

Mr. Reynolds: I object to any statement like that going into the record and ask that it be stricken, in addition to the question.

Mr. Wham: Well, I am not going to press the point.

Q. (By Mr. Wham.) Is the payment of dues a necessity for continuing membership?

1135 A. No, sir. We consider any man who has paid dues in our organization a member, but that he cannot attend the meetings until he has paid up his membership.

Q. But you have continued to bargain for them?

A. Absolutely, we have done that for them, even for those who are not members, never have been members.

Q. The membership of your group designates the Independent as the bargaining agent, does it?

A. It does.

Q. And that is apart from any question of membership?

A. It is.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) What is your job now, Mr. Linde?

A. Now?

Q. Yes.

A. I am in the production department devoted to setting of rates and adjustments of claims of the men against the rates that are so set up, new rates, setting up tables for continuation of work.

Q. How long have you been in that department?

A. Since July, the middle of July.

Q. You got a promotion in July, didn't you?

A. No, sir, it is not a promotion.

Q. You make more money now, don't you?

1136 A. No, sir, in fact, I make around thirty to forty dollars a month less.

Q. What were you before July?

A. I was an arc welder, erection man, in there.

Q. Would you say that your duties now are more clerical than productive?

A. Yes.

Q. Now, you stated that Mr. Salmons asked you to join the C. I. O., is that a fact?

A. I did not state it directly, he said, "Do you want to go along?" That is what he said, and he and I talked, I said, for quite some time back and forth. I don't know just the period of time, but as I went back and forth, as we passed through the shop, he would stop and I would stop and we would chew the fat.

Q. He never specifically asked you to join?

A. Not by name.

Q. Now, you did not care much for the operation of the old employees board, did you?

A. Not in the final analysis, no.

Q. And do you know the reason why the old employees board had to be abandoned, changed?

A. Why, after the Supreme Court decision, I think it was the Jones Laughlin case on the Wagner Act.

Q. You said that you were dismayed when you 1137 heard that that decision came down.

A. Yes, sir.

Q. How do you explain that?

A. Because we had felt, just going back, we had been talking among ourselves about this group; that if this Act

was declared unconstitutional that we would have a much easier time of getting the plant all into one group without any of these outside influences being directed against it.

Q. You thought that you could get rid of the employee representation plan, or rather, get rid of the employer representatives on the plan?

A. Yes, it was—

Q. Now, on the same day that the decision went out you say you had some drinks and talked over ways and means of proceeding from that time on.

A. After our work in the evening, yes.

Q. Now, you heard about the S. I. O. U. at the Carnegie Steel plant?

A. Yes, S. E. I. L. O., it was.

Q. S. E. I. L. O.?

A. Yes, Steel Employees Independent Labor Organization.

Q. Did you know that the C. I. O. at that time had a contract with the United States Steel Corporation?

A. I don't know whether it was just that time, it was around about that time.

1138 Q. The Carnegie-Illinois is a subsidiary of the Illinois Steel Corporation, isn't it?

A. Yes.

Q. Was this organization functioning out there at that time?

A. The S. E. I. L. O. was, yes, sir.

Q. But the company was not dealing with it as the collective bargaining agent for its employees, was it?

A. Well, that is a question, because—I think there were four or five plants, as the men told me that I asked about that—there were four or five different groups, maybe three different groups, in Gary, South Chicago, Hammond. He was from the South Works, some place like that, that he called it, I don't just recognize it; and they were themselves each one under a head—well, I don't know just the set up out there.

Q. Did you ever belong to a union with a National or International affiliation?

A. No, sir.

Q. What was the basis of your distrust and dislike of outside unions?

A. It is nothing against them probably in the final analysis but in the last ten or fifteen years some of the acts, not in one union, but a greater number of them, were

pretty raw. At least, it was from the newspapers,
1139 newspaper reading, and naturally we form our opinions from newspapers generally. That was the basis of my objection, and from what I observed of them.

Q. These other three men were just like you, is that right?

A. In the principle involved, I think so, yes.

Q. So you proceeded to draw up a petition to get the sentiment of the men out there at the plant?

A. Yes, sir, which we did.

Q. You did that by circulating these petitions throughout the plant, didn't you?

A. They were circulated.

Q. They were circulated on company time, too, were they not?

A. I will not admit that.

Q. I am asking you whether it is a fact they were.

A. Will not say that because I don't know it for a fact, that they were. When they left our hands they were given before hours, and noon hours, and they sent them around to get signatures, and after hours. I did that myself, but as for the others, I could not say.

Q. You didn't see those others soliciting throughout the plant?

A. No, sir, because they were watching me, the bosses were watching me and I had to stay pretty close to home.

Q. Were the bosses watching the other eight or 1140 ten fellows that were passing these around?

A. I couldn't say that.

Q. Did you get any warnings from the bosses?

A. I did, I was told several times to cut out the monkey business and stick around the bench. Their welding shop is about 150 feet long, and I had occasion to go across the floor, and I was watched quite closely.

Q. Then you did leave your job in your attempt to solicit?

A. I will not admit that, because it was in the course of my work that I left my job.

Q. The boss just thought you were trying some funny business, is that it?

A. Yes, sir.

Q. You really were not?

A. He may have thought so.

Q. Now, you say that 760 employees had signed these petitions by Friday night?

A. According to my memory, roughly around that.

Q. Does that count the number that the foreman Splitz put down on the list too?

A. I don't think Foreman Splitz put any down there.

Q. You didn't hear anything about that?

A. No, this is the first I heard about it, when it was brought into evidence here.

Q. You just happened to see a lawyer's name in 1141 the paper shortly after that, did you?

A. Yes, sir.

Q. You saw Mr. Wham's name in the paper?

A. Yes, sir.

Q. So you decided, well, now, I know who a lawyer is, I will go and see a lawyer, is that it? What was the occasion on which you saw Mr. Wham's name in the paper?

A. Well, there were some papers telling about these recent cases that were coming up, and there was quite a bit in the papers about them, and I seen it someplace; and I talked to a man out there, that used to hang out in the neighborhood, and a great many fellows I had met here and there and the other place that worked out there, although I never worked out in that district.

Q. (By Trial Examiner McCarthy.) What district do you refer to?

A. The steel district in South Chicago.

Q. It is not at the plant?

A. Oh, no, no, no, it is entirely outside of the plant.

Q. Cases that arose in connection with some plants out in South Chicago; is that what you had reference to?

A. Yes, yes, that is what he was talking about.

Q. (By Mr. Reynolds.) Then you had heard of Mr. Wham before you read his name in the paper?

A. Around that time, I wouldn't say for sure, 1142 but I know it all dovetails in close connection.

Q. (By Trial Examiner McCarthy.) The point is, did Mr. Wham represent some of the companies in South Chicago?

A. He did.

Mr. Wham: Not companies, but unions.

Q. (By Mr. Reynolds.) What unions did Mr. Wham represent in South Chicago?

A. The S. E. I. L. O., from which our temporary constitution was drawn off of their temporary constitution.

Q. Do you know of any other independent unions that he represented?

A. Well, when we came into his office he stated that he

had, I believe, one or two. Now, I won't swear to that, you can verify it from him.

Q. One or two others besides Carnegie-Illinois?

A. One or two groups, something like that. In other words, he was telling us together what little experience he had, and thought maybe he might be able to help us.

Q. You felt that he had some experience in organizing independent unions?

A. No, he was not an organizer, he was giving us advice. In other words, that he was competent to give us advice.

Q. Didn't you know what you wanted when you went down to talk to him?

A. Yes, sir, we went down there—the main reason 1143 that we went down there was to get advice. With the little money that we had to spend our next procedure was to find out how much we could do. It was not with the intention of hiring him for a long time or for any time, we went down just like you are a lawyer, and I wanted a point cleared up, and I would come to you for a point of information.

Q. Why didn't you want to disclose your purpose over the phone to him?

A. Well, I felt that I couldn't tell him just what it was, the situation that we were in. I had in fact never seen him, and I wanted to look at him and see how he talked and form my own conclusion.

Q. Now, you say that you, Froling and Mr. Litster were delegated to approach the company with the list that you got. Who delegated you?

A. The committee that met on the Sunday afternoon and elected temporary officers.

Q. (By Trial Examiner McCarthy.) That is the committee of seven?

A. I think it was seven, yes; I think it was seven.

Q. (By Mr. Reynolds.) That was a self appointed committee, wasn't it?

A. Naturally.

Q. Now, at this time in your conferences with Mr. Berry you said that he had to get authorization from 1144 Mr. Kauffmann and the higher officials of the company?

A. Yes, if he was to sign it, he had to get authorization, if he did sign it, he didn't know whether he would, but he didn't have that authority himself.

Q. On the next day the agreement recognizing the union as the sole bargaining agent was signed by the company, wasn't it, on the 21st of April?

A. Yes, sir.

Q. At that time there had been no meeting of the membership of the Independent Union of Craftsmen?

A. Just this committee, which was later ratified.

Q. Just this committee?

A. Yes.

Q. No, was it about this time that the cards were printed, the first group of cards?

A. Yes.

Trial Examiner McCarthy: You mean the application cards?

Q. (By Mr. Reynolds.) The application cards for the Independent Union of Craftsmen.

A. Yes.

Q. Now, you said something about this small group of seven or so pooling money together to do some of this preliminary work?

A. Yes.

1145 Q. Was that the money that was used for printing the cards?

A. For hiring the hall and the printing of the cards.

Q. You later got reimbursed from the Independent Union?

A. Absolutely, I was secretary.

Q. These cards, the majority of them, were signed up in three or four days, you said. Is that right?

A. I wouldn't say— don't believe I said that. I said that the original thing that we sent around was signed up.

Q. (By Trial Examiner McCarthy.) You referred to that as the petition?

A. As the petition.

Q. You had first the petition which proposed to organize the union and then you had application cards, and then you had—

A. We have always filled out applications, but if the Board wants to—

Trial Examiner McCarthy: One is the petition and the other is the cards, I just want to see if we can keep it separate in the record.

Mr. Wham: Why not call it the list? First was the list, and the second are the cards. That would be all right.

Trial Examiner McCarthy: Yes.

Q. (By Mr. Reynolds.) I understood you to say that

the majority of the cards were printed up in three or four days and turned over to you?

1146 A. As they were signed up they were turned over to me.

Trial Examiner McCarthy: The list is Intervener's Exhibit No. 2.

Mr. Wham: The list would be No. 2.

Mr. Seyfarth: What was Intervener's Exhibit No. 1?

Trial Examiner McCarthy: That was Board-Intervener Exhibit 16, the constitution of the Independent Union of Craftsmen.

Mr. Reynolds: No, that is the recognition agreement.

Mr. Wham: No, that is the constitution.

The Witness: That is that little book (indicating).

Q. (By Mr. Reynolds.) Now, you say the cards were arranged in check number order, is that right?

A. They have been since then.

Q. How did you get hold of the check numbers?

A. Mr. Salmons requested Mr. Berry for a list of the men employed, and as we were going around in any group, when we gave them that list, we not only had them sign it, but put their check number down. That was just a matter in helping in our bookkeeping which I happened to think of, to keep them in order.

Q. Isn't it true that some of the papers that were sent around had the check numbers on the papers that the men were approached with?

A. Not that I know of, sir. I have asked about 1147 that. I might say at this time that I heard of that and I asked about that fact, and nobody knew anything about it.

Q. Do you—did you know that Russell Erickson went around soliciting applications?

A. He may have, I don't know him particularly, because the man by name I would not recognize, but possibly going through the shop I would. But his cards, if he did have cards, were not handled by me, I handed them to another man, who made the distribution.

Q. Now, the first meeting of the Independent Union you called was, you said, for the purpose of ratifying what you had already done, is that correct?

A. Yes, sir, what we had done up to that time.

Q. Now, will you describe how the ratification of what you had already done was accomplished?

A. Well, this meeting was called and at the meeting it was talked over, read and explained and voted upon.

Q. Well, how was it voted on? What was voted upon?

A. The ratification of what the committee had done so far up to that point, and they ratified the constitution and the promotion of the group.

Q. That was all done in one vote, wasn't it?

A. No, sir, I would not swear to this, now, but it seems to me there two votes taken.

Q. You haven't any minutes of that meeting?

1148 A. No, just rough minutes.

Q. You were secretary, though, were you not?

A. I was, but I was quite busy.

Q. You did not take any minutes, did you?

A. Yes.

Mr. Wham: We have the minutes and we can introduce them any time you want them.

Mr. Reynolds: Yes, I would be glad to see the minutes of the first meeting.

Mr. Wham: All right, sir, we will bring them in tomorrow morning.

Q. (By Mr. Reynolds.) You say a vote was also taken on the proposition of continuing the same self constituted officers in their positions?

A. Until a regular election.

Q. Do you know who made the motion to do that?

A. No, I could not swear to that.

Q. Do you remember that a rising vote was taken on that too?

A. A rising vote, yes.

Q. The crowd must have arisen five or six different times during the course of the meeting, is that right?

Mr. Wham: I object to that. There is no evidence of six or seven different votes.

Trial Examiner McCarthy: Two votes, as I understand it.

Mr. Reynolds: I don't understand it so. He said 1149 they voted on the constitution, and he said they voted on ratifying what they had done. Now, he said they voted on officers; I am trying to find out how many votes were taken.

Mr. Wham: I am a little disappointed in the attorney for the Board, not understanding.

Mr. Reynolds: I have been understanding you right along from the start.

Trial Examiner McCarthy: Proceed.

Q. (By Mr. Reynolds.) Thereafter you posted notices

of an election on seven bulletin boards of the union around the plant?

A. Yes, sir.

Q. Did you have anything to do with securing those bulletin boards?

A. They were entrusted to a man, I think the man's name was Kowatch. I think he agreed to put the orders through and pay for the cards and pay for the man's time to have them made.

Q. I am not talking about the cards, I am talking about the bulletin boards.

A. The bulletin boards, excuse me.

Q. They were made on the company's property, were they not?

A. Absolutely, and we had many other things made, and we paid for the time and material. They were put 1150 through as a private job for this one particular one.

Q. You had all of your printing of notices and so forth done in the company print shop, too, didn't you?

A. Yes, sir.

Q. You never did?

A. No, the Northland Printers. In fact, nothing I know of has ever been printed to my knowledge in the print shop of the Link Belt Company.

Mr. Reynolds: Mark these.

(Thereupon the documents above referred to were marked "Board's Exhibits Nos. 19, 20 and 21", for identification.)

Q. (By Mr. Reynolds.) I show you Board's Exhibit 19 for identification and ask you if you have any idea what that is.

A. Surely.

Q. What is it?

A. That is we are pleased to call a bill of material for current orders, material which goes through the shop for work done.

Q. That is an official bill of the Link Belt Company?

A. I suppose you can call it that.

Q. I show you Board's Exhibit 20 for identification and ask you what that is.

A. That is a little slip, notification of a business meeting of the Independent Union, where it was to be 1151 held, and the date.

Q. Would you say from a cursory investigation of those two papers whether they were done with the same type of machine, or the same machine?

A. Well, I would not say they were done on the same machine. They were done on a mimeograph. They were done on a mimeograph printer, or whatever you want to call it. They were not done in the print shop necessarily.

Q. Isn't it a fact that that small slip was done in exactly the same place that the large paper was?

A. I would not say that, because I have no proof of it, because I didn't print them.

Q. I also show you Board's Exhibit 21 for identification and ask you if you know what that is.

A. You have got me there, I must admit. This was put out by the election committee and it is news to me.

Q. (By Mr. Wham.) What is it?

A. It says, "Under the rules and regulations of the Independent Union of Craftsmen girl members as a group are entitled to select a steward (their representative). In order to facilitate election of your steward please indicate your choice on this primary ballot (indicate your selection). The three candidates having the highest number of votes will be eligible for the final election from which one will be voted on to act in this capacity."

Q. (By Mr. Reynolds.) Does the type on there bear any resemblance to this Link-Belt record?

A. No.

Q. It does not?

A. No, I don't think so.

Q. It is the same color of ink, isn't it?

A. The same color of ink does not mean anything. You can buy that ink any place.

Q. Purple ink is just a little bit unusual, isn't it?

A. No, not necessarily.

Mr. Reynolds: Mark this, please.

(Thereupon the document above referred to was marked as Board's Exhibit No. 22, for identification.)

Q. (By Mr. Reynolds.) I now show you Board's Exhibit No. 22 for identification and ask you what it is.

A. That is another one of those little things they passed out.

Trial Examiner McCarthy: Identify it. What is it?

A. It was a notification of a meeting.

1153 Q. (By Mr. Reynolds.) Held on what date?

A. April 22nd.

Q. April 22nd?

A. Yes.

Q. That was before you had gone very far in your organizing work, wasn't it?

A. That was up—we were to have our first mass meeting that night, yes, sir.

Q. Now, you surely know what arrangement you made before that first mass meeting for whatever printing you did, don't you?

A. Yes.

Q. Where was this printed?

A. I don't know who done it.

Q. Where was this printed?

A. It was not printed in the print shop.

Q. Where was it printed?

A. A man stayed after hours the night before when no one else was around and ran it off of the machine.

Q. On company equipment, is that right?

A. Yes, sir.

Q. Did you get permission to do that from the company?

A. No.

Trial Examiner McCarthy: It is similar to the other three exhibits.

1154 A. No, sir. If you will look at the one, the type on this one is only two-thirds of the size of the others, that is, in my judgment (indicating). Now, take that one that I am speaking there, and the other one—no, the other one, this one here, and see how much smaller that type is (indicating).

Q. (By Mr. Wham.) Which exhibit are you talking about?

A. They are all the same number.

Q. (By Mr. Reynolds.) Board's Exhibit 21 is apparently in a little smaller type than Board's Exhibit 20, but Board's Exhibit 20 is in all respects, is it not, the same as the printing that appears on the Link Belt record?

A. Apparently.

Q. Don't you know that it is a fact that it is printed in the same place and with the same equipment that printed the Link Belt record?

A. I have admitted that.

Q. That is right, isn't it?

Mr. Seyfarth: I am objecting to the characterization unless a proper foundation is laid to show that that is a genuine Link Belt record. I would like to know where counsel for the Board got the record.

Mr. Reynolds: Let Mr. Berry look at it.

Mr. Wham: May I have that answer?

(Answer read as above recorded.)

The Witness: It was apparently the same.

1155 Trial Examiner McCarthy: 19 and 20 printed on the same machine.

Mr. Wham: 19 and 20 out on the same machine, is that right?

The Witness: Let me get those numbers right, I have denied one being on the same machine.

Q. (By Mr. Wham.) Which ones are you talking about?

Mr. Reynolds: Board's Exhibits 20 and 22.

Trial Examiner McCarthy: 19 he said.

Mr. Wham: 19 and 20, he said.

Q. (By Mr. Wham.) Are those the ones? (Handing documents to the witness.)

A. The same, they are apparently the same from the general looks of the type. Of course, I am not a topographer or anything else; but this (indicating) from the looks of the other ones, you can see the difference.

Q. Now, have you said that Board's Exhibit 20 is the same as Board's Exhibit 19?

Trial Examiner McCarthy: I think that is what he said, I think he admitted that.

Mr. Wham: That is what he has admitted.

Mr. Reynolds: No, he has admitted that Board's Exhibit 22, this one, for the April 22nd meeting, was the same as that.

Trial Examiner McCarthy: The same as what?

1156 Mr. Reynolds: As Board's Exhibit 19.

Trial Examiner McCarthy: Is that correct?

The Witness: Yes, I guess that is the one I spoke about.

Q. (By Mr. Reynolds.) Now, I asked you about the June 1st meeting, is that any different from that card?

Mr. Wham: Is this June 1st? (Indicating.)

Mr. Reynolds: Yes.

The Witness: There is a difference there, if you want to equivocate, which I am not in position to do. I would say yes. Of course, that is not for me to decide because I am not quite competent to do that.

Q. (By Mr. Reynolds.) I show you Board's Exhibit 20, being an announcement of a meeting of June 1st, and Board's Exhibit 22 for identification, being an announcement of the meeting of June 22nd, and ask you if they are apparently the same.

Mr. Wham: Which two are those, 20 and what?

Trial Examiner McCarthy: 20 and 22.

A. I would not necessarily say that they were run on the same machine. There are several differences which any observer can see.

Q. (By Trial Examiner McCarthy.) As secretary did you have charge of the supplies and cards and publications?

A. I did, but my duties were so rushed, I had so little time outside, I delegated to somebody else some 1157 of that stuff, just on the spur of the moment, somebody that I could depend upon to get this or get that. We were in the process of doing so many things I could not handle everything as I should.

Q. (By Mr. Reynolds.) Following the printing of the notice for the meeting of April 22nd how did you get your notices printed?

A. After that we had money which had come in. Do you mean from then on later through the organization?

Q. Yes, immediately afterwards. How about the next meeting, June 1st, that you notified the membership about?

A. On June 1st or after that?

Q. On June 1st.

A. As I just explained to the Examiner, I entrusted that to another man.

Q. You don't know whether this was prepared in the plant or not?

A. No, but from what you have asked you seem to think that it is.

Q. I am asking you if you think it is.

Trial Examiner McCarthy: I think he testified to that.

Mr. Reynolds: I will offer in evidence Board's Exhibit 19 labeled "Bill of materials, Link Belt Company," with certain information thereon; Board's Exhibit 20, which is a notification of the meeting of the independent union on June 1st; Board's Exhibit 21, being 1158 a notice to the girl members of the independent union; Board's Exhibit 22, which is a notice of the meeting of the independent union, according to his statement, for April 22, 1937.

Mr. Seyfarth: I would like the record to show my objection to the admission of these various documents on the ground that they are not properly qualified. The purported invoice of the Link Belt Company has not been identified as a true and correct invoice of the Link

Belt that was part of the corporation records; nor has it been established that it was made out on a typewriter or printing machine belonging to the company.

Trial Examiner McCarthy: Mr. Berry, do you know whether that is similar to what you use?

Mr. Berry: That copy there?

Trial Examiner McCarthy: Your bill of material.

Mr. Berry: That apparently is our copy.

Trial Examiner McCarthy: It will be received.

(The documents heretofore marked "BOARD'S EXHIBIT NO. 19," "BOARD'S EXHIBIT NO. 20," "BOARD'S EXHIBIT NO. 21" and BOARD'S EXHIBIT NO. 22," for identification, were received in evidence.)

Mr. Wham: I would like the record to show our objection on the part of the independent union also.

Trial Examiner McCarthy: The record will show that.

Overruled, for both objections.

1159 Mr. Seyfarth: May I assign the further ground for the objection to the exhibits, if the Examiner please, that they are immaterial and irrelevant and have no tendency to prove any of the issues in this case?

Q. (By Trial Examiner McCarthy.) Mr. Linde, when this Board Exhibit 21 was shown to you you said it was news to you.

A. Absolute news.

Q. As secretary of the organization you knew the facts therein contained, didn't you?

A. The facts are true, but I still maintain that this is news to me, of its being printed, because the stewards were notified—our union was notified at that meeting, after they had ratified the constitution and elected their general officers, due to the lateness of the hour, that it was so late if we went ahead and had each group elect their stewards at that meeting, that we would be there until very, very late, and that it would be perfectly legal, so far as the union was concerned, if they would get together at some time, each group and choose stewards. This was done outside of the secretary's office entirely.

Q. (By Mr. Reynolds.) Do you know whether the company was ever paid for the services rendered to the independent union for making those seven bulletin boards?

A. I understand they were from the man that did it, he wrote out a check—not a check, an invoice to
1160 have them made, on the regular form, which we call time and material, just as if you went in and told

them you wanted something done, and it takes a man a couple of hours to do that, then it is charged against you. We have services like that for all men in the plant of various kinds.

Q. Have you ever paid the company so far as you know for any printing services, for the use of their mimeograph equipment?

A. No, sir.

Q. Have you ever used mimeographing equipment?

A. I have never, no, sir.

Q. Has the independent union used mimeographing equipment?

A. The independent union? None of the members were ever told to do so in any way, shape or form.

Trial Examiner McCarthy: Read the question.

(Question read as above recorded.)

Q. (By Trial Examiner McCarthy.) Can you answer that yes or no?

A. Well, I don't know that.

Trial Examiner McCarthy: All right.

The Witness: Of anyone being authorized.

Q. (By Mr. Reynolds.) Do you know whether it was ever done. That is my question.

A. You asked me if it was authorized.

Q. I did not.

Trial Examiner McCarthy: Will you read the 1161 question again?

(Question re-read.)

Trial Examiner McCarthy: If it was used.

A. If it was used? I have since learned that some of the boys stated to me that they stayed overtime at night when no one else was around.

Q. (By Mr. Reynolds.) Did they state to you whether they had permission to do so from the company?

A. No, sir.

Q. Was it permissible for a man to stay around the plant premises after working hours without authority from the company?

A. They get their authority this way. They say, I have a little work to do around here, I will be a little late around here; and in most cases, unless there is a known reason against it, why, it just goes off without any thought by anyone.

Q. Now, at the May 4th meeting how many people did you say were present?

A. At the May 4th meeting I should judge there were between four and four fifty.

Q. Between four hundred and four hundred and fifty?

A. Yes, sir.

Q. As a matter of fact, were there not about seventy-five people present?

1162 A. No, sir.

Q. At the May 4th meeting?

A. No, sir.

Q. Isn't it a further fact that about twenty-five people voted on the officers?

A. No, sir.

Q. Did the four hundred to four hundred and fifty participate in that vote?

A. Practically so. I believe we show in our records, in the minutes of that meeting—well, no, I would not swear as to that, I wouldn't swear to all of them—I think the lowest man on any of the balloting on the officers received at least seventy-five votes.

Q. Well, you were secretary, weren't you?

A. Yes, sir.

Q. You took the minutes?

A. Yes, sir.

Q. And recorded the results of the vote?

A. Yes, sir—I beg your pardon, I beg your pardon, before that election they had another temporary secretary, and I got down on the floor.

Q. (By Trial Examiner McCarthy.) In other words, you were not the secretary on May 4th, is that what you mean?

A. I was the first part of the meeting, and then I was down on the floor writing on the bulletin board, the 1163 names of the men as they were proposed, and they were voted on and the tally men were up on the stage with the others.

Q. (By Mr. Reynolds.) Do you have the minutes of that meeting also in your records?

A. Yes.

Mr. Wham: Sure, we have the minutes of all these meetings.

Q. (By Mr. Reynolds.) Now, when did this plan for the general council occur to you, or did it occur to you?

A. Right at the start on that Saturday morning. That is what I thought I brought out in my testimony, that it was brought out on a broad basis, so at the time, if we were successful we might get other plants to come in, to

join as member locals. It was set up from the very footnote on that plan.

Q. That was your idea, not Mr. Wham's?

A. No, sir, Mr. Wham suggested that part because we suggested that when we went down there looking for information.

Q. Did he also suggest that you incorporate?

A. No, that was an outgrowth of agitation which was agitated through the shop back and forth, bickering by the two factions, as you might call it. One said, you are no good, you have no charter. And the boys became very, very insistent, and some of them were led to believe that we could not exist without a charter. And it was 1164 brought up in the meeting. Several conferences back and forth between the members of the local and the general council, as it then was called, were held, leading up to that.

Q. Now, on May 4th you had your first conference with Mr. Berry on the question of collective bargaining, is that right?

A. There are so darn many dates I will have to look at this. I think it was around that time (examining paper) the primary discussion at that meeting was a wage increase.

Trial Examiner McCarthy: He has not asked you that, he says, is that the date.

A. He says, that is the first one that you went up for bargaining.

Trial Examiner McCarthy: He said, is that your first meeting, is that right?

Mr. Reynolds: For collective bargaining purposes.

Trial Examiner McCarthy: That is not an issue in this case. What do you propose to prove by this line of questioning?

Mr. Reynolds: I am attempting to bring out that they got along famously with the management as far as bargaining is concerned.

Trial Examiner McCarthy: The record already shows that.

Mr. Reynolds: Very well, I will not ask him very many questions, but I do want to ask him about the draft 1165 of a working contract which was submitted in that meeting of May 21st, as I get it.

Q. (By Mr. Reynolds.) Now, did Mr. Wham prepare a draft?

A. He had the general outline which we worked on.

Q. Do you know where he got the general outline?

A. From conversation and talk with our fellows as to conditions, and likes and dislikes, what we thought would be best for the men out there and how we could work to improve their conditions.

Q. It was his contract, was it?

Mr. Wham: No.

The Witness: Not necessarily, not at all.

Mr. Wham: I got that from the C. I. O.

Mr. Reynolds: That is what I thought.

The Witness: That is wonderful, I didn't know that.

Trial Examiner McCarthy: Let us have a five minute recess.

(Whereupon a brief recess was taken.)

Q. (By Mr. Reynolds.) Now, Mr. Linde, I hold in my hand this large group of petitions which were circulated by the—

Trial Examiner McCarthy: This is Intervener's Exhibit 2.

Mr. Reynolds: This is Intervener's Exhibit 2 for identification; yes.

Q. (By Mr. Reynolds.) You know, do you not, 1166 where these were prepared?

A. Not directly, but since you brought it out, it seems like they were prepared in the same local.

Q. In other words, it seems as though they were prepared on the company's equipment and with the company's equipment, is that right?

A. If you are so designating it.

Q. I am asking you.

A. I don't know.

Trial Examiner McCarthy: Could you have one copy of that inserted in the record?

The Witness: I think we have one.

Trial Examiner McCarthy: Just one copy, not the whole thing.

Mr. Wham: Maybe we have some blank ones.

Q. (By Mr. Wham.) Do you think we have?

A. No, I don't think so, we may have.

Trial Examiner McCarthy: Maybe you can make a photostat of one.

The Witness: Maybe among the sheets there is one. (Examining.) That is right, there are only four names on this one.

Mr. Reynolds: All right.

Mr. Wham: Here is one which has no names on it.
(Handing document to counsel for the Board.)

1167 Trial Examiner McCarthy: That will go in as part of Intervener's Exhibit 2. Mark that Intervener's Exhibit 2-A.

(The document heretofore marked "INTERVENER'S EXHIBIT NO. 2-A," was received in evidence.)

Q. (By Mr. Reynolds.) Do these petitions, Mr. Linde, represent all that were circulated?

A. That were turned in to me, yes, sir.

Q. You say there are 760 names?

A. If I am not mistaken. If I am not badly mistaken, I would not want to swear to the amount. I think it was 760. You could count them and verify them if you wish.

Q. The cards were circulated afterwards?

A. No, I don't know anything about that. All I do know, all I say, that due to the circumstances they just distributed single sheets around, and as they ran out of sheets, of that single sheet, someone had the bright idea of adding cards.

Trial Examiner McCarthy: Well, that exhibit is really the organization, the preliminary organization.

Mr. Wham: That is right.

The Witness: Yes.

Q. (By Mr. Reynolds.) Where were these cards obtained, these blank cards?

A. I couldn't say, I couldn't say.

Q. You mean you don't know?

1168 A. I do not know. If I did I would be glad to tell you.

Q. Now, the Independent Union of Craftsmen had two meetings last week, did they not?

A. Yes, sir.

Q. What occurred at the meeting on Wednesday night?

A. On Wednesday night we called a special meeting, for the meeting on the citation, as we designate it, on the hearing to be held between the Labor Board and the Link Belt Company so that if we wished to that we could come in as partners in the case. That is our understanding of it, by representing and defending ourselves and putting in any evidence that would be offered at that time.

Q. Was that a regular meeting of the independent union?

A. No, sir, because our regular meeting was not until

Friday night, and we felt very possible, and if a decision was made to do so, that we would need all the time that we had at our disposal to get our records together, because this came like a bombshell to us after we thought we had it settled some place before.

Q. What action was taken if any on Wednesday night?

A. The discussion, after the reading of the citation, was around the cost.

Q. (By Trial Examiner McCarthy.) You mean the complaint, do you not?

A. Yes, the complaint, I call it the citation. It 1169 was around the fact. The union has been hard at work the last sixty days leading up to this benefit which I mentioned some time ago, and the gathering of funds to get ourselves in a financial swing that we would be able to carry this on without any thought of danger; in other words, to have a financial background. While the Board was for it one hundred per cent, with this coming us, they didn't kind of feel that they wanted to spend too much money, just to go out and hire a lawyer indiscriminately any more, because there was a certain group of men which felt that our initial expenses were rather high, and it was decided at that time not to hire an attorney. They felt that it was a matter—

Q. (By Mr. Wham.) You mean, you decided not to hire an attorney?

A. Yes. They felt it was a matter on which they would like to have representation, but as it came out and was explained to them, they didn't have a definite set figure from the lawyer, so they turned down the proposition.

Q. (By Mr. Reynolds.) You mean it was put to a vote?

A. It was.

Q. How many members present?

A. I should say there were around 80. The room where we were was a small room, of course, but it was quite well filled.

Q. Now, what happened at the meeting on Friday night?

1170 A. In the meantime we got busy and came down to Mr. Wham and told him about a definite figure, because he had quoted an indefinite figure to us, that we felt we could not retain him, that we would just have to come down and take our chances without any counsel because we didn't have any definite figure to go on.

Q. And you had been in touch with Mr. Wham before the meeting Wednesday night?

A. Oh, naturally. The Labor Board sent its summons to his office and he received it for us conditionally, and naturally he calls up and got in touch with us.

Q. How many were present at the meeting on Friday night?

A. I should say there were about seventy, sixty-five to seventy-five in round numbers.

Q. A smaller number than were present on Wednesday?

A. Yes, but that is something over which you have no control. It was well advertised through word of mouth and bulletin board notification, but as you all know if you ever belong to anything and talk to anybody like that unless it is a meeting—I am talking a lot on hearsay of fellows who have been in organization work all their life, interested one way or another, it is difficult to get anybody out to a meeting as a rule. For that matter, we considered that we—that it was a very representative meeting, because there were groups—I couldn't swear to 1171 that—but there seemed to be from each department a representative group.

Q. In other words, from sixty to seventy-five people?

A. Yes, and there were two or three employees of each group, from each department at least.

Q. How many would you say were office workers?

A. I am not prepared to say that because I never counted noses, I had no occasion to.

Q. What is the usual proportion of the office workers to the plant workers in your meetings?

A. As a general rule, just offhand, I would say that the office workers are very much in the minority because we very seldom ever have more than the girl steward present to represent the girls; and there may be a steward and three or four from the office group, sometimes more, sometimes less. It just depends—if the men in the office group have to work overtime, and they are at liberty to come over, they sometimes do, you know, on their way home.

Trial Examiner McCarthy: I think that has been covered.

Q. (By Mr. Reynolds.) What is your average attendance in all these meetings?

A. I should say around forty to forty-five. There is

sometimes more. Now, I am not speaking of the stewards' meetings.

Q. (By Trial Examiner McCarthy.) Excuse me, what was the result of the meeting on Friday to consider 1172 the action on Wednesday? Did you consider it on Friday?

A. Yes, sir. He took me up on something else, and I just didn't finish the answer.

Q. (By Mr. Reynolds.) Who reopened the matter on Friday?

A. The president of the local.

Q. What happened then?

A. He stated that we had been down to see the attorney, and that we would like to get an answer at a definite figure within reason, as to what his charges would be, whether they would be three or four thousand dollars, or whether they would be three or four hundred dollars, whatever they might be, to give us something that we could definitely report on, because on Wednesday night the meeting all through—the thought seemed to be that we didn't know whether we could go along, whether we could have a definite figure or he could stick us for years to come, so we went down there and he gave us a definite figure.

Q. (By Trial Examiner McCarthy.) You reconsidered it and it was approved?

A. Yes, sir, it was reconsidered and approved.

Q. (By Mr. Reynolds.) What was the voting proposition?

A. The vote was unanimous.

Q. Do the stewards in the independent union collect dues on company time?

A. Some few of them may have because the men 1173 as they go through, they are on the way for their pay, to the pay department where they get their pay out of the window, and that is six to eight hundred feet—I wouldn't say eight hundred, maybe six hundred feet from those in the northeast corner where the pay window is down to the southwest corner section.

Q. (By Trial Examiner McCarthy.) Your point is the men may have to walk four to six hundred feet to get their pay?

A. Yes, sir, and while he is coming back he may stop and pay his dues.

Q. (By Mr. Reynolds.) You don't have any understanding with the company as to how your stewards can collect dues?

A. Yes, sir.

Q. What is your understanding?

A. That they get fired if they get caught collecting them during working hours.

Q. No collection during working hours?

A. That has been the company's rule.

Q. Does that rule hold true so far as solicitation for membership is concerned?

A. It did, because several of us got hell for doing it; pardon the French.

Q. Nobody got fired, did they, for doing that?

A. I couldn't say that they did, no, sir.

Mr. Reynolds: That is all.

1174

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) May I ask one question?

A. Yes.

Q. At that ratification meeting on April 22nd, the meeting started at 6:30, is that correct?

A. Well, I will tell you, it was called for 5:30 or 6 o'clock.

Q. Early in the evening?

A. Some of the boys did not get out of work until after that. It was—

Q. What I am trying to get at is it was on their way home from work, not late in the evening?

A. No, not late in the evening.

Q. You say the attorney explained the meaning of the Wagner Act to the members and the part that the company could play under the Supreme Court decision. Then I have a notation here that you said when Mr. Wham asked you a question about finances, you used the expression "under the guise of dues." What did you mean by that?

A. That is the way our finances arose, from the dues.

Q. The word "guise" means something different, does it not?

A. That was—

Q. That was a mistake?

A. I used incorrect English in that connection because there was no guise about it.

Trial Examiner McCarthy: Any questions?

Mr. Seyfarth: Yes.

Cross-Examination.

Q. (By Mr. Seyfarth.) You testified, Mr. Linde, that you had an understanding with the company regarding the solicitation for membership or the collection of dues on plant property on company time, but did you ever have any conversations regarding those subjects with the company?

A. The foreman came around and stated that to us.

Q. (By Trial Examiner McCarthy.) Which foreman? What is his name?

A. We have a general foreman by the name of Mr. Longwell, and it was let known through his other foremen under him. The men were told—they were asked: are you collecting dues or what? You are on union business. My God, don't let me catch you or we will fire you, or words to that effect.

Q. Did he give that warning once or did he give it more than once?

A. Well, I know that there has been—I won't say the same foreman now, but different foremen have cautioned different men, because they come to me saying, "You know, I got hell bawled out of me for walking around the shop. They said I was collecting dues." I said, "If you are not, tell them so."

1176 Q. To your knowledge would you say the warnings were issued repeatedly by the foremen and supervisors not to collect dues or solicit membership on company time or property?

A. From my experience—

Q. (By Trial Examiner McCarthy.) Can't you answer that yes or no?

A. I want to say what I have—

Q. You can answer that yes or no and then explain your answer.

A. Yes.

Q. Now, you can explain your answer.

A. Because as far as I know, and from my personal experience, men have complained to me on different days that they were called on going to the plant from one job to another, when they were in the transaction of their regular business. They complained that the foremen would stop and call them, and want to know if they were collecting dues or what.

Q. Would they complain to you on the ground that they were about their business at the time?

A. Yes, they wanted to know if they had to stand for it, and I said, "Yes, that is the company's right."

Q. You testified that the notice of the trial came like a bombshell.

A. Yes, sir.

Q. What was it that made it come like a bombshell to you?

1177 A. Well, this agitation has been going on now since we went into direct action, for about nine or ten months, and the threat has been hurled repeatedly at the independent union that as soon as the Labor Board got hold of us we would be no more; that the men had better get in with the other side or they would have to come around on their bended knees to beg for jobs, and they would be shoved out in the streets without a job, and they couldn't get a job any other place, and this all led up to around the time—I think it was broadcast all over the shop for weeks ahead of that time that November 22nd was set as the date of the hearing by the Labor Board, and we were all pepped up, on edge, waiting for that day. That day came and nothing materialized; and the thing kept going on and going on without anything being done about it. The independent union, if I may say so, has always wished for this opportunity to come in to court and prove its legitimacy. And things were going on, and we could not find out anything. Men in the organization would come up to the meetings, and they would punch us with that inquiry: When is the Labor Board going to call this trial, when is the Labor Board going to do this, when is the Labor Board going to do that, and we had to stand there and say, "We don't know, we don't know." When you have a group of men hounding you, and you have to keep putting them off and putting them off, you have to wrack your brains to
1178 give them an answer. And when it did come it seemed like a bombshell. It came when we were busy with our thought preparing for this benefit.

Q. (By Trial Examiner McCarthy.) What do you mean, the insurance benefit?

A. Yes, this insurance and sick benefit that we were preparing for, and when it came, it was just like that, it took our breath away. It was on a Friday night, I believe it was when Mr. Wham tried to get hold of me about it. We were at a stewards' meeting. He called my home and asked for me. My wife said she didn't know where I was, I was at a stewards' meeting, but she didn't know what the telephone number was at the Stewart meeting.

Q. (By Mr. Seyfarth.) That is the reason you said to the Examiner that it came like a bombshell?

A. Correct.

Q. I show you Board's Exhibit 19 for identification and ask you if you ever saw that document before. (Handing document to witness.)

A. Not to my knowledge, only when Mr. Reynolds presented it to me.

Q. Do you have anything to do with the office routine at the Link Belt Company?

A. Not with its control or anything like that, no, sir.

Q. Did I understand you to say that the printing 1179 on Board's Exhibit 21 appeared smaller than the printing on Board's Exhibit 19?

A. I should say so.

Q. How about the printing on Board's Exhibit 22, is it smaller or larger than the printing on Board's Exhibit 19?

A. They are practically the same size, but the spacing of the letters is considerable different in certain specifications and characterizations.

Q. How about the printing on Board's Exhibit 20 in relation to the printing on Board's Exhibit 22?

A. I glanced at these, just glanced before, it has one or two—let me see (examining documents). Well, the reason I made that statement in regard to this one and this one (indicating) there was some of the lettering that seemed to be a little different on my examination, but I doubt it. I called attention to that one over this bottom one (indicating).

Q. Now, Mr. Linde, would you say from your inspection of the documents just handed to you that they were written by the same typewriting machine?

A. No, I would not.

Q. Would you say that the only similarity in the printing of the four documents just shown to you is in the color of the ink?

A. That seems to be the only similarity. I wish 1180 to make it clear that I am not qualifying myself as an expert.

Q. Just a minute, you have answered the question.

Trial Examiner McCarthy: We understand that.

Q. (By Mr. Seyfarth.) Do you know the name of any men that stayed at the plant at night for the express purpose of doing some printing work?

A. I did not at the time.

Q. Do you know now?

A. I know of one.

Q. What is his name, please?

A. Ellson, Johnnie Ellson.

Mr. Wham: Bob Ellson.

The Witness: I think it is Johnnie Ellson, I wouldn't swear to that.

Q. (By Mr. Seyfarth.) That is, to your best knowledge?

A. Yes.

Q. What does he do for the Link Belt Company?

A. I understand they call it an order clerk, something like that.

Q. He is an order clerk?

A. He writes out these orders.

Q. Is he a member of your organization?

A. He is.

Q. What part of the plant does he work in?

A. He works, I think they call it, the central planning room, I think that is it.

Q. The central planning room?

A. Yes, on the second floor of the shop office.

Q. He is not a foreman, is he?

A. No, sir.

Q. Do you know of anybody else who stayed at night?

A. I do not.

Q. Do you know whether this man John Ellson got permission from the company to use this machinery and equipment?

A. I haven't inquired into it.

Trial Examiner McCarthy: You can answer yes or no.

Q. (By Mr. Seyfarth.) Do you know?

A. No, I couldn't state that.

Q. Now, regarding the bulletin boards, has your organization got any sort of a receipt that it paid the Link Belt Company any money for making these bulletin boards?

A. The boards were made in the name of a man in the organization and I am quite sure that he gave a receipt, got a receipt for the money and returned it to us.

Q. What is the man's name?

A. I think it is John Kowatch. I can verify that probably by tomorrow noon.

Q. Is John Kowatch a member of your organization?

A. He is.

Q. Is he a foreman?

1182 A. He is not.

Q. Do you know how much he paid for the bulletin boards?

A. I do not.

Q. Did your organization reimburse him for the money he paid for the bulletin boards?

A. I think he did, it was agreed that he would be.

Q. Did you yourself or as an officer of the independent union ever have any understanding with any official or foreman of the Link Belt Company that these bulletin boards were to be made and billed to John Kowatch?

A. Not to my knowledge, we turned that matter over to John.

Q. That is then, you left it to John entirely as to how he was to get the bulletin boards?

A. Yes, sir.

Q. Had you talked to any officer, director or member of the supervisory force of the Link Belt Company prior to turning this matter over to John Kowatch?

A. Not in the matter of getting the bulletin boards made. In our contract agreement with the company we spoke of bulletin boards. The company had bulletin boards, other bulletin boards, and they would not allow the union matter to be put on them, so we put forth the plea that any recognized union in a plant had their own bulletin boards for their own matters to be posted on.

Q. Who did you take that up with? Was that Mr Berry?

1183 A. Mr. Berry, yes, sir. He came back and said that as we were a recognized union we could have one bulletin board in each department, but we were not under any consideration to put anything on the company's bulletin boards.

Q. Was anything said by Mr. Berry or by you with regard to the place where the bulletin boards were to be made or obtained?

A. No, sir.

Q. Referring to the cards that you say were used after the lists ran out, do you know who obtained those cards?

A. I do not.

Q. Did you obtain them?

A. No.

Q. Do you know whether or not they came from the company?

A. I do not, I could not state that.

Q. Now, what is the fact, Mr. Linde, as to whether there is an intense rivalry among the members of the C.I.O. group and your group in the Link Belt plant?

A. The only and best indication I can state right off-hand would be that nearly everyone of either group at times, one time or another, wears his button indicating that he is adhering to one or the other, and to the fact that there has been so much bickering among the employees—

Q. (By Trial Examiner McCarthy.) The answer is that there is a strong rivalry between the two factions; doesn't that seem to be it?

A. Strong rivalry between the two factions, that is admitted, yes.

Q. (By Mr. Seyfarth.) That is the question. Mr. Linde, what is the fact with reference to whether you have strict control over the members of your organization in the matter of their statements concerning union activity in the plant of the Link Belt Company?

A. Control over them?

Q. Yes.

A. I have none whatsoever, not as to what they say.

Q. For all you know they may make statements while they are working in the plant of the Link Belt Company, isn't that right?

A. Sure.

Q. And those statements might be concerning union activity, is that right?

A. No doubt of it.

Q. Those are things over which you have no control?

A. No control whatsoever, because every man is responsible to himself.

Q. Now, from your experience in union work, would you say the same condition exists with reference to the C.I.O. group, that is, that their leaders haven't the control over the men so far as their statements and acts concerning union activity in the plant are concerned?

A. Well, I would say that it is quite a bit different than it is with us, because they have control from what I have seen and from what—probably it is just hearsay—but from what we read in the papers going around.

Q. (By Trial Examiner McCarthy.) You miss the point of counsel's question; that is, that they have no more control over their men than you have over yours.

A. I think they have because they have different tac-

tics and plans, different tactics as to what they may do or say.

Q. (By Mr. Seyfarth.) Now, Mr. Linde, I want to ask you whether or not you know of any acts whatsoever or statements which have been performed or uttered by any agent who is a member of the supervisory force or an officer or director of the Link Belt Company which to your knowledge has advised or urged or wanted employees to join your union?

A. No, sir.

Q. I will ask you the same question as to whether you have heard any such statements or observed any such acts with reference to the company fostering, promoting or encouraging the growth of your union?

A. No, sir, I have not.

Q. I will ask you the same question with regard to whether you have observed any acts or heard any statements which would indicate to you that the company or 1186 any of its officers or supervisory force or directors dominated or interfered with the administration of your union?

A. No, sir.

Q. I want to ask you the same question regarding the matter of any financial or other support of your union?

A. No, sir.

Mr. Seyfarth: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Did you ever have any foremen attend your independent meetings?

A. Not after the attendance was protected by membership cards, because we do not admit any foreman or supervisor in the union meetings or into membership in the union. Several of our men—one in particular, who was up as president, he became a supervisor in the first three weeks, he was promoted to supervisor—I understand he was sent to Pittsburgh to supervise the erection of a job or something up there, whatever it may be, and he had to resign. There were several other men—

Q. (By Trial Examiner McCarthy.) Why did he have to resign?

A. Because our by-laws provide no man in the supervisory or executive force of the company can in any way be a member of the union. There are two or three others—

Q. (By Mr. Reynolds.) At the first meeting of the independent union were there foremen present?

1187 A. You mean the mass meeting?

Q. The mass meeting.

A. I cannot say because anybody in the good God's world could have come into that meeting, it was an open meeting. Anybody and everybody was welcome. We barred nobody. There were people who never heard of the Link Belt Company possibly who were in that meeting.

Q. You never heard of any foreman assisting in soliciting for the independent union?

A. No, sir. If so, I would have tried to make it my business to go over there and stop it and take the lists away from him because—

Q. You did in some cases do that?

A. What?

Q. You did in some cases do that?

A. I did not.

Q. Take the list away from supervisors?

A. No, I did not, because I said I never heard of it, no.

Q. You would have if you did hear of it?

A. I would have if I did hear of it, yes, I would have done so, and if I couldn't have got around I would have had someone else do it for me.

Q. It never came to your notice that any foreman was doing anything like that?

A. No, sir, I will assure you of that, so far as I am concerned.

Trial Examiner McCarthy: You have answered "No, sir."

Mr. Reynolds: That is all.

Mr. Wham: That is all.

Mr. Seyfarth: That is all.

(Witness excused.)

Mr. Wham: I don't see any other witnesses here. I thought there would be one or two here, but they did not show up, so I don't know what I can do about it.

Trial Examiner McCarthy: We will adjourn until 9:30 tomorrow morning.

(Whereupon, at 9 o'clock P. M., Friday, March 18, 1938, an adjournment was taken to 9:30 o'clock A. M., Saturday, March 19, 1938.)

1189 BEFORE THE NATIONAL LABOR RELATIONS BOARD.
• • (Caption XIII-C-303) • •

Room 777, United States Court House,
Chicago, Illinois,
Saturday, March 19, 1938.

The above entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock A. M.

Before:

Hugh C. McCarthy, Trial Examiner.

Appearances:

Stephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Messrs. Pope & Ballard, by Henry E. Seyfarth and William F. Price, 120 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, 231 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Intervener, Independent Union of Craftsmen, Local Lodge No. 1.

1190 PROCEEDINGS.

Trial Examiner McCarthy: You may proceed.

Mr. Wham: Mr. Litster, will you take the stand.

JOHN LITSTER, a witness called by and on behalf of the intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. John Litster.

Q. Where do you live, Mr. Litster?

A. 1517 South 60th Court, Cicero.

Q. Illinois?

A. Illinois.

Q. And where do you work?

A. For the Link Belt Company, Pershing Road plant.

Q. How long have you worked there?

A. Eleven years.

Q. What department are you in?

A. Engineering department.

Q. Did you hear Mr. George Linde testify yesterday?

A. Not the total, no.

Q. Well, you were here until almost 5 o'clock, weren't you?

A. Yes, approximately.

Q. And if you were asked the same questions 1191 that were asked Mr. Linde would your answers be approximately the same?

A. They couldn't be any different.

Q. You were one of the original organizers of the Independent, were you not?

A. Yes, sir.

Q. During the meeting of April 21st, or April 22nd, rather, you presided, didn't you?

A. That was the first open meeting?

A. Yes.

Q. Will you tell us about that meeting.

A. There was a meeting called, open meeting for all the employees of the Link Belt plant at Pershing Road. That was at 3133 South Halsted Street, Lithuanian Hall. We had in round numbers about five hundred present. I was chairman, temporary chairman, and I called the meeting to order. And after I called the meeting to order and explained to the men what it was all about, I asked for a temporary chairman and also a secretary; a temporary secretary to take the minutes for this meeting. A motion was duly made from the floor and seconded, that Litster be temporary chairman, and that Linde be temporary secretary. I put the motion—

Q. That was just for the meeting?

A. That was just for the meeting. I put the motion to a standing vote. The vote was about, I would 1192 say, 475 for and 25 against.

Q. Go on.

A. After that I made a little speech telling the why and wherefore of this meeting and what we were intending to do and what had been done. And after that I told them that I was going to introduce our learned counsel, and he would—

Q. You are sure that you used the word "learned"?

A. Either learned counsel or barrister, whichever it

was; to read our constitution and go through it in detail, and give all the legal technicalities and explain it as best he could to the men; and also explain the Wagner Act to the best of his knowledge. After doing this I introduced Mr. Wham and he took the platform.

And Mr. Wham started off with a speech before he read the constitution, and then he got to the constitution and went through it in detail, and stopped at numerous places to explain everything as far as he could to the men. When he got through with that he also mentioned about the Wagner Act, and all the technicalities that he knew about so that the men would know as to exactly what was what.

After that there was some discussion from the floor. There was one party got up, who is by name Paul Bozurich. He had a constitution in his hand and got up and waved it around and did a lot of hollering and would not let anyone else have the floor. Before that he 1193 had been declared out of order. I wanted to have it as open as possible but I wanted everybody to have their say. He monopolized the floor with his loud talk; nobody could get a word in edgeways. After he got well under way a man by the name of Johnson came down the center aisle from the back with his coat open and his shirt out, slightly inebriated, and he cut loose at the speaker, Mr. Wham. All he did was to holler at him and Mr. Wham did not get a chance to answer yes or no, he couldn't hear himself.

A few more joined in with these two in their racket, with the consequence that the hue and cry went up, "Throw them out." Instead of throwing them out, there was a party at the rear, of our organization, who escorted them out politely. From then on the meeting went on peacefully. Then when Mr. Wham was through—

Q. Just a minute. Mr. Bozurich was not taken out, was he?

A. If he was not taken out, he piped down anyway. Then the next thing that was done was this constitution had to be passed by the house; and also they had to put the O. K. on the doings of its officers.

Trial Examiner McCarthy: Excuse me, but didn't a prior witness cover that this morning?

Mr. Wham: Pardon me?

Trial Examiner McCarthy: Didn't a prior witness cover this ground?

1194 Mr. Wham: One reason I thought I would let him cover this meeting was because the Board's witnesses, some of them, covered it.

Trial Examiner McCarthy: Yes.

Mr. Wham: I just wanted to be sure that we did not go by default on the matter.

Q. (By Mr. Wham.) Just make it as brief as you can. Go ahead and say what was done.

A. In short words there was a vote taken to ratify what had been done, and also pass on the constitution. That was taken by a standing vote and passed. After that there was a discussion of the officers. As temporary officers, they did not see fit to accept us without a vote. That was perfectly O. K., and after a lot of debating back and forth it was decided within a month an election would be called, a closed election for members only; and that each department would put up their representative; their man or a number of men, if they wished, and there would be a secret ballot taken, and everything would be on the up and up. That satisfied the men; and there was a motion put up, duly made and seconded, and voted on. After that the meeting adjourned.

Q. Was there any action taken to elect temporary officers and delegates for that interim until the regular election?

A. That is correct, they were elected temporarily
1195 to hold office until this date of the election, which was to take place within one month. They were known as temporary officers.

Q. Now, the attorney for the union discussed the Wagner Act, you say. Did he say anything about what function or what position the company occupied with reference to a union?

A. In your speech you stated that the union could have nothing whatsoever to do with us; they couldn't hinder us, they couldn't stop us so long as we didn't do anything on their time, and then they would have a perfect objection.

Q. Did I say anything about—

Mr. Reynolds: I object to putting testimony in the mouth of the witness. Let the witness tell what was said if he remembers.

Mr. Wham: The witness is doing very well, I think.

Mr. Reynolds: With your help, yes.

Mr. Wham: I thought the Board's attorney led his

witnesses very well. I think he had a ring in their nose.

Q. (By Mr. Wham.) Go ahead, Mr. Witness.

A. Further on the Wagner Act, you mean?

Q. Yes, in connection with whether or not the company could assist the union, what was said?

A. He said that the company could not have anything whatsoever to do with the union; that they could not 1196 hinder or assist in any way, shape or form.

Q. Do you recall my saying that a company could not help a union financially directly?

Mr. Reynolds: I object, if the Examiner please, to this. It is leading.

The Witness: They could not help the union.

Mr. Reynolds: I want a ruling on this.

Mr. Wham: One of your witnesses, Mr. Bozurich, testified directly that I told him, or told them there, that the company could not help them directly, but it might be arranged.

Trial Examiner McCarthy: Through arrangement?

Mr. Wham: Yes.

Q. (By Trial Examiner McCarthy.) Was there anything said about that?

A. Absolutely nothing.

Trial Examiner McCarthy: Have we got the minutes of that meeting?

Mr. Wham: Yes, they will be over here in a little while, I just don't have them now.

Q. (By Mr. Wham.) Now, were you one of the collective bargaining committee? By the way, did you later have an election?

A. We later had an election within a month, I don't remember the exact date. It was in the same hall. 1197 We had approximately 450 there, about 450. There were blackboards put up on the stage and candidates' names were put on the blackboard for each office as they came up. Before this all got under way there was a committee nominated for the counting of the ballots and to take care of the ballots.

Q. Tellers?

A. They were tellers, or whatever they call them.

Q. Yes.

A. And as each office came up it was voted on, the whole unit voted on it. They elected a president, vice president, secretary and treasurer, and last the three

delegates. There were a number running for the delegates, and the three highest in votes were the elected ones. After that was over with the meeting adjourned.

Q. And how were the nominations made?

A. The nominations were made from the floor.

Q. Were departments given any particular rights in the matter I mean, as departments.

A. And when they started off I think the majority of the departments had candidates up, and then there were a number who withdrew themselves after being nominated.

Q. What position did you occupy in the union?

A. I was elected that night as a delegate.

Trial Examiner McCarthy: Is a delegate the same as a steward?

1198 Mr. Wham: No.

Q. (By Mr. Wham.) What is a delegate?

A. A delegate is the executive council. They are the high officers over the local or the following locals that may join. We are the governing body.

Q. So there being only one local you elected three from that local?

A. Three, according to our constitution. According to our constitution we had three. If we brought in any other union one would be dropped off, resign, and another one would come in.

Q. What was the body called, this overall body?

A. Well—

Q. That is set out in the constitution, isn't it?

A. That is set out in the constitution, I can't remember it.

Q. Did that overall body, or general council, did that organize?

A. Did that organize?

Q. Yes.

A. Take part in the organization?

Q. I mean, did it elect officers?

A. It elected its officers, yes. There were the president, vice-president and secretary-treasurer elected.

Q. Who were elected?

1199 A. The election took place—

Q. I mean, who were elected?

A. Of these delegates?

Q. To what offices?

A. The three delegates who were elected were Litster, Froling, Linde.

Q. They got elected offices, but who were elected to what office?

A. On their voting they elected Litster president, Ray Froling vice president, George Linde secretary-treasurer.

Q. You are Litster?

A. Yes, sir.

Q. And have you held that position since that time?

A. Yes, sir.

Q. And it is already in evidence that that union incorporated. What is that overall body called now?

A. That overall body is called the Board of Directors since the taking out of the charter.

Q. Where are the directors elected from?

A. The directors are elected from—

Q. From what plant?

A. Now, there are two locals, there are two Boards of Directors from the Pershing Road plant and one Board of Directors—

Q. You mean two members of the Board of Directors?

1200 A. That is it.

Q. From the Pershing Road plant and one from where?

A. And one from the Caldwell-Moore plant.

Q. Are you still president of it?

A. Yes, sir.

Q. Who are the other officers?

A. The other officers is Bill Bell of Caldwell, who is vice president, and George Linde, who is the same secretary and treasurer.

Q. Now, you heard Mr. Linde testify as to collective bargaining with the company?

A. Yes, sir.

Q. And were you with him there that whole time?

A. Yes, sir.

Q. Would your testimony be the same concerning it?

A. Practically exactly.

Q. Has the company ever assisted or offered financial aid to the Independent?

A. What?

Q. Has the company ever assisted, either financially or otherwise, the Independent Union?

A. No, not to my knowledge.

Q. Have you had any understanding with the company or any of its officers which would in effect be any assistance to the Independent Union?

1201 A. No, sir, not to my knowledge.

Q. Did you assist in the original solicitation for members about April 14th, 15th and 16th, along in there?

A. I helped in that, yes, sir.

Q. And did you obtain some subscriptions yourself?

A. Yes, sir.

Q. How did you go about it?

A. We had this list for membership, application for membership, with the heading on it, and we had one—I had one, and I was going to cover the office, and I went ahead with that and got a few.

Q. Aside from the details, what time with reference to working hours did you solicit?

A. Morning, noon and at night, and once during working hours, and I got bawled out and I cut it out.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Were you also dismayed when the Wagner Act was declared constitutional by the Supreme Court like Mr. Linde?

A. You mean by dismayed, I thought it would go the other way?

Q. (By Trial Examiner McCarthy.) What do you think dismayed means?

A. Well, dismayed—

1202 Mr. Wham: Just answer the question the best you can.

A. Whether I was surprised or not?

Mr. Wham: Don't let's quibble over definitions. Let's get ahead with the testimony.

Q. (By Mr. Reynolds.) Were you disappointed?

A. No.

Q. Were you encouraged?

A. Yes, sir.

Q. For what reason?

A. Because we could form an independent union of our own men and govern ourselves and not be stopped, see.

Q. Now, at the meeting on April 22nd there was a vote of 475 for and 25 against. Now, what vote was that?

A. That vote is the—you are talking about the open meeting?

Trial Examiner McCarthy: The meeting of the 22nd.

The Witness: Yes.

Q. (By Mr. Reynolds.) The meeting of the 22nd of April.

A. There were three votes taken that night. Which one do you want?

Q. Did they all vote 475 to 25?

A. No.

Q. All three votes?

A. No, the last one was practically unanimous. The first vote—

1203 Q. What was the first vote?

A. The first vote was upon the temporary chairman and the temporary secretary-treasurer.

Q. What was the second vote?

A. The second vote was on the constitution adoption, and the okaying of the performance, of what had been done.

Q. You voted on both things, the ratification and the—
Trial Examiner McCarthy: That was the second vote, as I understand.

The Witness: The second vote.

Mr. Reynolds: Both of those votes were taken at the same time.

Mr. Wham: That is what he said.

The Witness: I think that is correct.

Q. (By Mr. Reynolds.) Do you mean to say that the constitution was adopted and the acts of this unofficial committee were ratified in one and the same motion?

Mr. Wham: That is what he said. Are you trying to argue with the witness?

A. I think George Reidel made the motion, and that is exactly—

Trial Examiner McCarthy: Perhaps the minutes will show.

The Witness: They might be different. That is a year ago and we were working fast on this.

Q. (By Mr. Reynolds.) Yes, you got 760 members in a few days.

A. Yes, sir.

Q. Before you held your meeting.

A. They came to us, flocked to us to sign.

Q. Before you had any meeting all of these 760 signed up?

A. Yes.

Mr. Wham: That is astounding, isn't it?

Mr. Reynolds: It certainly is.

Q. (By Mr. Reynolds.) What was the third vote?

A. The third vote was regarding the date for an election for permanent officers to hold office.

Q. What did you vote on, another date for this election to be held?

A. We wanted to have an election within one month's time. We agreed to that and we were supposed to get a hall and arrange everything for that.

Q. You have described a part of what you heard Mr. Wham say. Did you hear him say anything about John L. Lewis?

A. I heard him mention the C. I. O. and the American Federation and the Independent Union, and John L. Lewis. He was named as the head of the C. I. O., but there was nothing in particular about himself that I can remember.

Q. Now, you say the constitution was taken up in detail.

A. Yes.

Q. In how great a detail was it taken up?

1205 A. Well, he had the constitution in his hands and as he read it he stopped and explained it.

Q. Each section and each article?

A. Well, I don't know, I was not following the constitution, I didn't have one in my hand, but that is what it amounted to.

Q. (By Trial Examiner McCarthy.) Is this a finished constitution?

A. Our temporary constitution.

Q. (By Mr. Reynolds.) And in the course of that, was it, that Mr. Bozurich stepped up and began to interfere with the meeting?

A. No, it was the latter part of it.

Q. The latter part. He had not finished discussing the constitution, had he?

A. I don't know whether he exactly finished, but he was near the end if he was not finished.

Q. Now, describe exactly what Mr. Bozurich did at that time.

A. Mr. Bozurich, he was in a top grey coat, you could distinguish him over the audience. He got up with the constitution in his hand and he started waving that and started hollering at Mr. Wham. To tell the truth, I couldn't understand what he said because he speaks broken English, and he was talking so loud that I couldn't understand what he said.

Q. In other words, he made a spectacle of himself?

1206 A. Absolutely.

Q. Which was noticeable to everybody there?

A. Yes, sir.

Q. Do you suppose that was noticeable to Mr. Linde?

A. I don't know whether it was or not.

Q. Have you any idea why Mr. Linde testified that Mr. Bozurich acted like a gentleman at this meeting?

A. Did he testify that he acted like a gentleman at the finish?

Q. He testified that Mr. Bozurich acted like a gentleman at all times. If he said that, you think he was mistaken?

A. After he gets up and hollers like that, why, that is his opinion.

Q. Now, was there a discussion from the floor of the different points in the constitution as Mr. Wham went along?

A. Yes, sir.

Q. How many people would you say participated in that discussion?

A. Out of the group of approximately 450 or 500 there were from—oh, I say maybe a hundred people who took the floor, who had the floor and asked questions.

Q. How long did this meeting last?

A. Well, we didn't get out of there until midnight.

Q. You started at 8 o'clock?

A. Yes, sir.

1207 Mr. Wham: Which meeting is this, may I ask?

Trial Examiner McCarthy: April 22nd.

Mr. Wham: The witness was a little confused on that.

Q. (By Mr. Wham.) Did you think it was the second meeting, Mr. Litster?

A. Wait a minute, we are talking about the meeting—

Q. (By Mr. Reynolds.) Of April 22nd?

A. No, that was the election night because I remember closing that door practically at 12 o'clock and walking out. The other meeting, I couldn't state when we finished.

Q. (By Mr. Reynolds.) Do you have any impression at all how long the first meeting lasted?

A. I don't remember ever calling for the time at all, or asking for the time.

Q. Isn't it a fact that when the first meeting was adjourned it was because there was so much confusion there that you could not operate orderly, in an orderly manner?

A. No, and after those people were ejected we settled down to a fairly peaceable meeting.

Q. About a hundred people asked questions of Mr. Wham?

A. In round numbers I would say at least that. They were jumping up all over the floor, the same as Paul Bozurich, who wanted it all the time.

Q. Who was the foreman who bawled you out for soliciting during company time?

1208 A. Tom Carlyle.

Q. What did he say to you?

A. I was talking to one man and he came up to me from the rear and he says, "Jack, what the hell are you doing around here the last couple of days? You are not at your board, you should be there and stay there. I don't know what this is all about." He said, "You are allowed to go around on company business, but if it is not company business, and it is not your duty, and you do it again I will see that you are fired. You are paid for working at your board."

Q. Had you been soliciting for the last couple of days?

A. No, I had not solicited, this was the first man I solicited on company time.

Q. Only one man that you solicited?

A. That is right.

Q. What about the other agents of the union who were circulating around the plant, were they soliciting on company time?

A. Not that I know of.

Q. You didn't see them do any of that?

A. No, sir.

Q. Do you recall that you asked Mr. Bozurich to identify himself when he stepped up and asked for the floor?

A. I believe I did holler at him, the best I could get to him over his hollering, which he was doing.

1209 Q. Didn't you know before who he was?

A. No, sir.

Q. Never saw him before?

A. I don't know him from Adam.

Q. And didn't Fred Johnson get up and say that he knew Bozurich?

A. I don't remembber that. Fred Johnson was back in the center of the building, this man was over to the right of the building.

Q. Don't you remember Fred Johnson asked whether Mr. Wham was a Link Belt employee?

A. I couldn't say. I couldn't hear Fred Johnson distinctly, there was too much noise going on between a number of them on the floor. His remarks were addressed to Mr. Wham, I knew that.

Q. Where was the recording secretary sitting during that meeting of April 22nd?

A. I didn't pay no attention to where he was sitting.

Q. Did you see him take down any notes or anything like that?

A. Yes, I saw him taking notes when he was up in the front; but he did not stay at one place, he moved around in different places.

Q. You saw him in the front of the hall?

A. I saw him in the front of the hall, I didn't see 1210 him in the rear.

Q. Do you suppose he was taking minutes back there in the rear?

A. That is his job.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Price.) Mr. Litster, you testified that the company never assisted financially or otherwise the Independent Union, is that correct?

A. Yes, sir.

Q. Did you attend a meeting with Mr. Berry where the subject of bulletin boards was discussed?

A. Yes, sir.

Q. What was said at that meeting?

A. We wanted to have bulletin boards, and we didn't know what procedure to take; what we could do. We wanted to know where we could obtain them and what was all right with the company, so long as we were in the clear.

Q. What did Mr. Berry say on that?

A. Mr. Berry said that he would let us know, I suppose through his local offices, but he thought that we could hang them somewhere near where the company boards are, but we would have to look after all the details and be responsible ourselves.

Q. The company had nothing to do with those bulletin boards, so far as you know?

A. No, sir.

Q. Were you here yesterday when Intervener's Exhibit 3 was introduced?

A. Which was that?

Q. The cards.

A. Yes.

Q. Now, I beg your pardon, I am referring to—

Mr. Wham: 3 was the card, 3-A and B are the lists, copies of the card.

Q. (By Mr. Price.) I am referring to what must be introduced as Exhibit 2, the preliminary list.

A. That was the application.

Trial Examiner McCarthy: We have been referring to the list, as the list that was introduced as Exhibit 2, and the application cards are known as Intervener's Exhibit 3.

Q. (By Mr. Price.) With the list there were some cards that were used after you had run out of lists. Do you recall that?

A. Yes.

Q. (By Trial Examiner McCarthy.) Those were the blank white cards?

A. Yes, sir.

Q. (By Mr. Price.) Do you know where those cards came from?

A. Yes, sir.

1212 Q. Where did you get them?

A. I got those.

Q. Where did you get them?

A. From the office employees.

Q. Where?

A. The office employees.

Q. The office employees?

A. Yes.

Q. You just went in and took them out, picked them up, is that it?

A. Here is what I mean. I ran out of space on the application lists, then I took these cards, which I procured, and any person who wanted to join, if there was no room to sign there, I gave him this card to sign.

Q. Where did you get the cards?

A. I got them at home.

Q. You got them at home.

A. Yes.

Q. Where did they come from?

A. Where did they originally come from?

Q. Yes.

A. They have been in my possession for a number of years, I couldn't tell you where they came from. I don't remember where I got them.

Q. Did they come from the company?

1213 A. No, sir. I had the cards for another index in another society I belonged to.

Q. The company had nothing to do with those cards?

A. Nothing whatsoever.

Q. You testified you were bawled out once for soliciting memberships in the union. What did you say the name of the foreman was?

A. Tom Carlyle.

Q. Carlyle?

A. Yes. He is the head over the table department in the engineering department, and he is my direct boss.

Q. Were you the only one who was soliciting in your department?

A. Yes, sir.

Q. Did you see any other solicitation around the plant?

A. You mean actually talking to the men?

Q. Yes.

A. Yes, there was plenty of it.

Q. Who was doing that?

A. Well, the men throughout the shop, at noon hour, before hours or after hours. Any time I was over there on some engineering stuff, or blue prints, when I went through there at noon. I went over there plenty of times to talk to these fellows at noon, and I could see it through the plant.

Q. When Mr. Carlyle spoke to you, what did he say?

1214 A. He come up from the rear when I was talking to this man Haky, Andy Haky.

Q. Stanley Haky?

A. Andy Haky.

Q. You were talking to Haky?

A. I was talking with Haky.

Q. And what did Mr. Carlyle say?

A. Mr. Carlyle came up from the rear towards me, and he said I had been moving around there, running around there, to some effect like that, for the last couple of days. He said if it was not on company business, pertaining to blue prints and stuff, you know, or it was union activity, I would have to stop, cut it out, and that if I didn't do that I would be fired.

Q. Did you solicit after that on company time?

A. Not during working hours.

Q. (By Trial Examiner McCarthy.) Was there any objection on the company's part to your soliciting during the noon hour or early morning?

A. No, there was no objection there.

Q. The only restriction so far as you know was on company time?

A. On Company time.

Q. You could solicit in the plant?

A. Yes.

1215 Mr. Price: That is all.

Trial Examiner McCarthy: That is all.

Further Cross-Examination.

Q. (By Mr. Reynolds.) Now, you say the company had nothing to do with the bulletin boards that the Independent Union put up?

A. So far as I know they had absolutely nothing to do with it.

Q. They furnished the space for it, didn't they?

A. You mean hanging up in their office?

Q. Yes.

A. Well, certainly it was hung up.

Q. They were up on the company's premises, weren't they?

A. They were up on the company's premises, yes.

Q. And they were made on the company premises, weren't they?

A. I never saw them made. All I know I gave Kowatch orders to go ahead and get them made, regardless where he got them or the cost.

Q. You don't know where he got them?

A. I couldn't positively say. I have heard what he did, but I don't know where he got them.

Q. Did you hear that they were made in the pattern shop?

A. Well, that was also paid by the union. We have the vouchers to show that.

1216 Q. Where did you have your printing of notices done during those early days?

A. Mr. Brucks took care of that. It was an outside printing house.

Q. What about the notification of the meeting of April 22nd?

A. I had nothing to do with any of those.

Q. Where were they prepared?

A. I never even inquired, I had nothing to do with any of the printing whatsoever.

Q. Don't you know it is a fact that they were prepared there at the plant?

A. I don't believe they were.

Q. Don't you know that it is a fact that the notification for the June 1st meeting was also prepared at the plant?

A. I have no knowledge of it at all.

Q. Now, why did you tell me you didn't see any soliciting for the Independent Union in the plant?

A. I didn't say that.

Q. I asked you that question on cross-examination and you said you didn't see any outside of your own?

A. I said that I saw the petition being taken and the cards passed around during the noon hour or before work and after work for a stretch of maybe a week.

Q. Are you sure you said that to me on cross-examination?

1217 A. Why, I wouldn't positively say that, but if I didn't I meant to say that.

Q. You didn't see any throughout the plant during working hours?

A. I didn't see any what?

Q. Any solicitation throughout the plant during working hours?

A. No, I didn't.

Q. Did it come to your notice that there had been any?

A. Sir?

Q. Did it come to your notice that there had been any solicitation throughout the plant during working hours?

A. You mean what I heard in evidence here?

Q. No, at that time.

A. No, I didn't know anything about it.

Q. How many people did you have doing this work of soliciting for the Independent Union during that period?

A. I don't know for a fact.

Q. (By Trial Examiner McCarthy.) Can you estimate? You were one of the presidents, so you should naturally be the man that ought to know more about it.

A. The fellows in the shop took care of their own men. I took care of the office. I imagine—

Q. Who were the fellows in the shop who took care of their own men?

1218 A. Well, it would be Brucks, Linde, Froling. Outside of those three I couldn't positively state the others.

Q. Do you know whether Russell Erickson did any of that, too?

A. I don't know Russell Erickson. I know the man, that is, I know the name, but I couldn't identify him.

Q. (By Mr. Reynolds.) Do you know Zenon Petrousyi?

A. I just know the name, and that is all.

Q. (By Trial Examiner McCarthy.) Kowatch?

A. Yes, I know him.

Q. Was he one of them?

A. He was one of our active members.

Mr. Wham: I am going to produce Kowatch, Erickson quite a number of others.

Trial Examiner McCarthy: This witness is the president of the organization. I am just ascertaining how much he knew about them, about what they were doing.

Mr. Wham: He was president—

Q. (By Trial Examiner McCarthy.) You have been president all the time?

A. I was not elected until after this.

Q. After what?

A. After what you are speaking about.

Q. This was around April 22nd?

A. This is prior to the date of our election when I was elected.

1219 Q. That was May 4th, isn't that right?

A. I couldn't state the date of the election.

Q. (By Mr. Reynolds.) You were acting as an officer at that time, were you not?

Trial Examiner McCarthy.) He was an officer from the first.

The Witness: There were no officers at the start, we started from nothing and agreed on this.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) First you got these organizing lists out?

A. Yes.

Q. Then you had a meeting on April 22nd and you

were elected temporary chairman and Linde was elected temporary secretary?

A. Yes, sir.

Q. Any other officers then?

A. There were no officers, all we had was a committee.

Q. Who was the officer Mr. Linde referred to as having got a raise and therefore he was not eligible? Perhaps you don't know that. You were not here last night, were you?

A. That was after that fellow was elected the first night that you are asking about. That was Eddie Rask, that was elected president of the local. He was not 1220 elected by that time.

Mr. Wham: Perhaps I should try to clarify this, Mr. Examiner.

Trial Examiner McCarthy: If you will, please.

Mr. Wham: These application lists were signed up April 14th, 15th and 16th, mostly. At that time there were not any officers, there was an organizing committee. Then the organizing committee came down to see me and I gave them the constitution and they adopted it, and at that time they inserted the names of certain people in order to be able to deal with the company.

Trial Examiner McCarthy: You are referring to the committee of seven now?

Mr. Wham: Yes; in order to deal with the company until they could call the June 1st meeting.

Trial Examiner McCarthy: Who is Eddie Rask?

Mr. Wham: Rask was elected at the election on May 4th.

The Witness: He was the first president of the local, at the first election. At that time I was elected to the executive council. The three delegates in turn, they had their election and I was elected president of that.

Trial Examiner McCarthy: Eddie Rask was below you, under your supervision?

The Witness: Yes.

Mr. Wham: He was the president of the local.

1221 Q. (By Trial Examiner McCarthy.) You being yourself president of what, the International, what would be equivalent to an International?

A. Yes, regardless of how many locals we had.

Q. The supervisory party.

Mr. Wham: That is confined to the company, but they

would take in locals from other plants. So far they have taken in only two. It was an ambitious scheme but we have to aim high sometimes to get any place.

Trial Examiner McCarthy: That is true.

Cross-Examination (Continued).

Q. (By Mr. Reynolds.) The employees present on April 22nd confirmed you as chairman until the election; is that what they did?

A. Up until the election which was supposed to take place within a month, yes.

Q. Before you went down to see Mr. Wham on the matter, you and Mr. Linde, and perhaps some others, did you make up a sum of money to use?

A. I didn't go down to see Mr. Wham.

Q. Well, do you know who arranged for the funds?

A. What is that?

Q. Do you know who arranged for the funds to carry on your work?

A. Yes, I do.

1222 Q. How were they made?

A. We each chipped in \$20 apiece at that meeting, which was turned over to George Linde.

Q. (By Trial Examiner McCarthy.) How much did that raise?

A. How much was raised?

Q. Yes. How many were at the meeting?

A. There was approximately \$300 which was turned in, I imagine—which was turned in to George Linde, and we were to be reimbursed when the dues came in, and we were reimbursed.

Q. (By Mr. Reynolds.) And later on after your negotiations with the company began Mr. Wham furnished you a form of contract, is that right?

A. He furnished—he drew up the contract.

Q. Did you think at that time that he had drawn it up?

A. Did I think what?

Q. Did you think that he had drawn it up at that time?

A. He did draw it up, I don't think about it.

Q. Don't you know it was a form of contract that the C. I. O. entered into with the United States Steel Corporation?

A. No, I don't know that.

Mr. Wham: Would it have made any difference?

Q. (By Mr. Reynolds.) You paid him a fee anyhow?
Trial Examiner McCarthy: I don't think it is material. It is the usual practice among lawyers to
copy.
1223 Mr. Reynolds: That is all.

Redirect Examination.

Q. (By Mr. Wham.) Were you ever in the army?
A. I have been in the army, yes, sir.
Q. What rank did you hold?
A. Captain, that is the last rank I held.
Q. You served during the war?
A. Yes, sir.
Q. Do you have a college degree?
A. What is that?
Q. Do you have a college degree?
A. I had three years at the University of Toronto.
Mr. Wham: That is all.
Trial Examiner McCarthy: That is all.
(Witness excused.)
Mr. Wham: Mr. Froling.

RAY FROLING, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?
A. Ray Froling.
Q. Where do you live, Mr. Froling?
A. 7251 Green.
Q. Chicago?
1224 A. Yes, sir.
Q. Where do you work?
A. Link Belt Company.
Q. How long have you been there?
A. I think it will be 23 years this coming June.
Q. This is in the 39th Street, Pershing Road plant?
A. Yes, sir.
Q. What department do you work in?
A. I have been mainly in the boring mill department.
Mr. Price: Boring mill department, pardon me?

Mr. Wham: Boring mill department.

The Witness: Yes.

Q. (By Mr. Wham.) Were you one of the organizing committee of the Independent Union?

A. Yes, sir.

Q. You heard Mr. Litster testify, did you?

A. Yes, sir.

Q. Would your testimony be the same as his testimony?

A. Yes, sir.

Q. You looked over the dates of the negotiations between the union and the company which Mr. Linde testified to yesterday?

A. Yes, I looked over that.

Q. Were you in those conferences?

A. Yes, sir.

1225 Q. Representing the union?

A. Yes, sir.

Q. And would your testimony be the same as Mr. Linde's on that point?

A. Just about the same, yes.

Q. Have you held any office in the Independent Union?

A. Yes.

Q. What office?

A. Vice president of the general council.

Q. You still hold that office?

A. No, sir.

Q. When did you retire?

A. I couldn't give the exact date.

Q. Approximately.

A. It was the last of July or the 1st of August.

Q. Of 1937?

A. Of 1937, yes, sir.

Q. What was the reason for that?

A. The setup in the union was if we took in more than one plant that they would have a representative on the general council, and we originally had three from the 39th Street plant, and when we took in another plant one of the three was to drop out and one of their members was to take our place on the executive council.

Q. Who took your place?

1226 A. Mr. Bell of Caldwell.

Q. Were you one of the organizing committee of the Independent Union?

A. Yes, sir.

Q. What part did you play in the organization of the union?

A. Well, I went out and solicited and got members and pushed it right along. In fact, a lot of them pretty near bowled me over trying to sign, to get in it.

Q. What time did you solicit?

A. I am always there at seven-thirty in the morning, and I got the fellows pretty early in the morning. A lot of them would come over when I would be eating at my machine, eating lunch, and they would come over then and sign up at noon.

Q. Mr. Frank Lackhouse testified that you came to him at 10:00 A. M. in the morning and asked him to help organize the union throughout the plant and you gave him a list, and you told him that Brucks had an "in". Do you remember the conversation?

A. Well, you have two questions there. I can only answer one of them first.

Q. All right, take them up one at a time. Do you remember talking to Mr. Frank Lackhouse?

A. Yes, sir.

1227 Q. When was that?

A. Well, I couldn't give the exact date, it was when we started.

Q. With reference to the time of day?

A. It was when we first started the union. I went over and talked to him and asked him—

Trial Examiner McCarthy: Counsel wants to know what time of day.

A. Of day?

Q. (By Mr. Wham.) With reference—

A. That was in the morning. Is that what you mean?

Q. Was it during working hours?

A. Yes.

Q. Were you working at the time?

A. Well, my machine was working, but I was away from it.

Q. Do you have to stay at your machine in order to make it work?

A. I beg pardon?

Q. Do you have to stay constantly at your machine in order to have it work?

A. No, sir.

Q. How often do you have to attend to the machine?

A. It depends upon the job that I have.

Q. How long is it possible for you to be away from the machine and still have it operate?

1228 A. Well, I have had jobs that I have been—that I haven't had to touch the machine for seven or eight hours, only to pull the switch to eat lunch and start it up again after I eat lunch.

Q. All right. What did you say to Mr. Lackhouse?

A. Well, about the proposition, I put the proposition to him about starting an independent union, and asked how he felt about it. Well, he said he thought it would be a pretty good thing. I said that I had some petition and I would give him a petition and he could have it signed, and if we didn't get a majority we would not monkey with it at all.

Q. Did you tell him when he was to solicit, with reference to working hours?

A. No, no, I didn't say anything about that.

Q. Did you see him after that?

A. Why, he came over at noon time when I was eating lunch there and called me to one side and asked me what it was all about.

I said, "The only thing I can tell you, Frank, is the same thing that I told you this morning, I think we will be better off by forming an Independent union here, operating it ourselves."

Q. Did he say anything about Brucks having an "in"?

A. Oh, no.

Q. What is the fact with reference to whether
1229 Brucks has an "in"?

A. I don't know anything about Brucks.

Q. What do you think that would mean, a question like that?

A. I don't know how to answer that question.

Q. (By Trial Examiner McCarthy.) An "in", does that mean a drag?

A. Yes, I would think so.

Q. With the boss?

A. I would say that, yes.

Q. (By Mr. Wham.) Do you know whether or not the Independent Union ever had an "in" with the company?

A. Apparently not.

Q. What do you mean by "apparently"?

A. Well, because I was talking to a fellow, and I got chased. The fellow that chased me did not happen to be my boss.

Q. But you were talking to somebody on company time, were you, at the time?

A. Yes, sir.

Q. How much solicitation did you do on company time?

A. Oh, I probably done a little, I wouldn't say how much.

Q. (By Trial Examiner McCarthy.) Did you ever have any instructions to do your soliciting under cover?

A. Why, Brucks and Linde told me to be careful.

1230 Q. (By Mr. Wham.) Now, Fred Johnson testified that he told one of the foremen, Charlie Leonard, that Froling can do as he pleases, he is down the line now talking to Max Winkler. Do you recall talking to Max Winkler?

A. Oh, I talked to Max Winkler a lot of times.

Q. Did you solicit his membership for the Independent Union?

A. I wouldn't say at the time, no, because nothing was ever said to me. I talked to everybody in the shop.

Q. When did you do your talking?

A. I beg pardon?

Q. What time, with reference to working hours?

A. Any time I go by them or during the day. If I have a long cut on the machine I will go over and visit with somebody rather than just stand there.

Q. You would not want to stand and look at your machine for seven hours, would you?

A. Of course, we did not always hit them kind of jobs.

Q. Well, he said that you could do as you please. What was the situation with reference to whether or not you could do as you please around there?

A. Well, I couldn't do exactly as I please, but I was on the old employees board as a representative from the machine shop, and I would go around visiting these fellows to find out if they had any complaints that they wanted
1231 me to take up.

Q. So it was really in your line of duty?

A. It was customary. It has been customary for four or five years to visit everybody in the shop. I used to go to a certain department called D. K., which is about three or four blocks from where I work, and visit them boys occasionally.

Q. Was Mr. Louis Salmons on the Board?

A. Yes, he was at that time.

Q. Did he ever go around and visit the boys?

A. Well, I couldn't say. I seen Louis talking to a lot of fellows and he seen me talking to a lot of fellows too.

Q. Now, did you ever prepare a stencil for the Independent Union of Craftsmen?

A. No, sir, I didn't.

Q. Would you know how to prepare a stencil?

A. No, I don't know how to operate the machine.

Q. Now, Harry Johnson testified that you went around the shop signing up employees on a sheet of paper during working hours; and sometimes later you came to him during working hours and asked him to sign an application card for the Independent Union.

What are the facts concerning that?

A. Well, I may have asked him. I believe at that time he was working nights, and we were working ten 1232 hours a day, and we would quit at five-thirty, and he always came in about ten or fifteen minutes early, twenty minutes, maybe; I never paid any attention to the time.

Q. When would he go on the job at night?

A. Well, as soon as we left. The machine would be kept running. He worked on the machine next to me.

Q. He said this was four o'clock in the afternoon?

A. I don't think that would be right. I think he was working nights, and he was starting at five-thirty at that time. I may be mistaken because we worked two different shifts last year, one until four-thirty and then until five-thirty.

Q. I believe you already covered the point about the solicitation with the list on company time; I mean by your previous testimony.

During the time that you were active in the Independent Union did you have any understanding or arrangement with any officer of the company which would be of assistance to the Independent Union?

A. Oh, no.

Q. Did they ever contribute financial support to the Independent Union?

A. I beg your pardon.

Mr. Wham: Read the question.

(Question read.)

A. You mean the company?

1233 Q. (By Mr. Wham.) Yes.

A. No, not that I know of.

Mr. Wham: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) What was the difference between the method under which you worked under the Employees Representation Plan and under your present arrangement? What is the distinction?

A. Well, the employees elected me from the machine shop.

Q. Now, you are speaking about the Representation Plan?

A. Yes, the employees—

Q. The old board?

A. Yes, the old employees board, and the men that I represented covered one shop which was about—oh, from 37th Street and one block west of Princeton. I worked over there at about 40th Street in the plant. I mean I might represent them if they had any complaint. Sometimes I wouldn't see those fellows for some time, and I would get a big cut on the machine, and I would tell the boss that I was going over there for a couple of minutes, I was going over there to see what they had to say. I would leave the cut running, and have a man on the machine next to me watch it, while I would go over on the other side and see the men.

I would be gone from fifteen minutes to an hour.

Q. What is the distinction between your present 1234 practice and that practice?

A. I have not the privileges now that I had before.

Q. That privilege has been taken away from you?

A. Yes.

Q. What privilege is that which has been taken away from you?

A. Well, the running around, since we started this Independent Union.

Q. Did anybody tell you that you could not run around like that?

A. Yes, the boss.

Q. Who?

A. Charlie Leonard.

Trial Examiner McCarthy: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) At the time the Independent was organized the old habit still carried over and you still ran around the plant?

A. Yes, sir.

Q. Did Charlie Leonard say anything about it then?

A. No, sir.

Q. When you left the machine at that time did you make some arrangement with Leonard?

A. No, I made the arrangement with the boys on each side, I wouldn't tell the boss nothing, no.

1235 Q. Leonard knew that you were going around in the department, though, didn't he?

A. In my department?

Q. Yes.

A. My department, that I was working in?

Q. Yes.

A. Sure, I always go around, I have to go around to look for plugs to try to work with.

Trial Examiner McCarthy: We will have a five minute recess.

(A brief recess was taken.)

Q. (By Mr. Reynolds.) Now, you spoke about some foreman having chased you. Who was that?

A. Fred Skeets.

Q. Fred Skeets. He is the assistant superintendent, is that right?

A. Well, he is superintendent now of the factory,—or, rather, of the foundry.

Q. Superintendent?

A. Of the foundry.

Q. When did he speak to you?

A. Oh, it was after we initiated and got the five per cent raise.

Q. He didn't say anything to you during the time that you were soliciting 760 names?

1236 A. I never solicited in his department.

Q. Were you soliciting in his department at the time?

A. No, I was not.

Q. Where were you at the time?

A. I was talking to Mr. Kresge.

Q. Mr. Kresge?

A. Yes. He works for Mr. Skeets.

Q. He was already a member, wasn't he, of the Independent Union?

A. Yes, sir.

Q. He had also helped to solicit, hadn't he?

A. I believe he did.

Q. He works in the timekeeper's office, doesn't he?

A. In the foundry, yes, he did at that time.

Q. In the foundry timekeeper's office?

A. Yes, sir.

Q. He is a fairly short man with a bald head?

A. That is right.

Q. Sort of a tan complexion, is that right?

A. What do you mean by a tan complexion?

Q. He is not light complected?

A. I don't know whether—

Q. Turn around and take a look at him, he is right behind you.

Trial Examiner McCarthy. Some man of that 1237 character was described in the testimony and they are trying to identify him.

The Witness: I see.

Mr. Wham: Why don't you ask the witness, he will identify him.

Mr. Reynolds: I see him.

Mr. Wham: He will identify him.

Q. (By Mr. Reynolds.) At the time that you were soliciting for members in the Independent Union, before the agreement had been negotiated with the company, did any foreman say anything to you about your activities in talking to the men about the Independent Union?

A. They didn't know that I was talking to the men about the Independent Union.

Q. How do you know that they didn't know that?

A. I never told them.

Q. (By Trial Examiner McCarthy.) Can you answer that question yes or no.

A. Repeat that question.

Trial Examiner McCarthy: Read the question.

Q. (By Mr. Reynolds.) How do you know that they did not know about it?

A. I don't know.

Q. Did you try to do it secretly?

A. Yes.

1238 Q. You walked around the whole department working on company time, didn't you?

A. No, I didn't work around the whole foundry on company time.

Q. What did you do then?

A. When?

Q. At the time before April 21st that these 760 signatures were being obtained on these sheets of paper?

A. I was working for the Link Belt Company.

Q. (By Trial Examiner McCarthy.) Do you remember the period between April 14th and April 20th when there was all this activity?

A. Yes, sir.

Q. Solicitation for a proposed union?

A. Yes, sir.

Q. That is the period that he refers to.

A. I understand.

Q. (By Mr. Reynolds.) Did you have any activity that you engaged in? Did you engage in any of this activity at that time?

A. Sure.

Q. What did you do?

A. I signed men up to join the Independent Union of Craftsmen.

Q. You did it during company time?

1239 A. I may have done some of it, I wouldn't say definitely, no.

Q. Did you try to avoid the foremen at the time you did that?

A. Yes, because I didn't want to get fired.

Q. How would you do that, how would you avoid the foreman?

A. Well, if the foreman happened to be around, why, I wouldn't go. If the foreman was away, and I saw an opening, I would go over and talk to the man.

Q. You talked to almost everybody in the foundry during that time, didn't you?

A. No, I didn't.

Q. How many did you talk to?

A. Nobody. I didn't solicit anybody in the foundry outside of Lackhouse.

Q. You left him to do that?

A. Yes, sir.

Q. Where did you do your soliciting?

A. In the machine shop.

Q. You talked to most everyone in the machine shop?

A. Yes, sir.

Q. Who was the foreman in there?

A. There are three or four foremen in there, which one do you mean?

Q. Well, who are the three or four foremen?

1240 Mr. Wham: Just answer the question the best you can. Let us get along as fast as we can.

Q. (By Mr. Reynolds.) Who were the foremen?

A. Max Pulaski, Pat Noreene, Charlie Leonard, Willard Leonard.

Q. Now, on any of the occasions that you solicited the men in the machine shop, did you see any of these four foremen anywhere in the premises?

A. No, sir.

Q. Never at any time?

A. Oh, I seen them around the shop, sure, but not when I was soliciting.

Q. You talked to all the men in the machine shop, though, did you?

A. That is right.

Q. How many men are there in there?

A. Oh, I would say there are—oh, from 110 to 120.

Q. You talked to all of them while they were working, didn't you?

A. Not to join the Independent.

Q. What did you talk to them about?

A. I visited with them.

Q. You didn't mention the Independent Union?

A. I did at times, yes.

Q. At any rate, none of these four foremen, Pulaski, Noreene, Charlie Leonard or Willard Leonard ever said anything to you about it?

A. No, I wouldn't give them a chance.

Q. You wouldn't give them a chance?

A. No.

Q. What would you say?

A. I wouldn't go in their department when they were in there.

Q. You said you saw them in there while you were in there?

A. During the day, sure, not while I was in their department.

Q. All the four foremen were always absent when you talked to any man about the Independent Union?

A. That is right, yes, sir.

Q. Did you have anybody acting as a lookout for you so they wouldn't spot you?

A. No, sir.

Q. How do you know that they were not in there?

A. I would watch them to see where they went.

Q. Did you watch four men at one time?

Trial Examiner McCarthy: I think the witness has answered the question.

The Witness: I wouldn't be in four departments at one time.

Q. (By Mr. Reynolds.) You said these four men 1242 were foremen in the machine shop.

A. Yes.

Q. That is one department, isn't it?

A. No. It is about two blocks long and one block wide.

Q. Can you see from one end to the other?

A. No, not when there is a lot of work there; you can now.

Q. What did Brucks and Linde tell you about soliciting?

A. They told me to be careful, that I didn't want to get caught or I might get fired if I got caught.

Q. Did you ever see any of the C. I. O. men soliciting during working hours?

A. I saw them visiting sometimes, and they saw me visiting. Whether they were signing up anybody or not, I don't know.

Q. You never saw them sign anybody up?

A. No, that is, during working hours. I saw them sign them up at noon.

Q. You didn't understand that it was against the rules to sign them up at noon or before work or after work, did you?

A. Nobody ever said anything.

Q. Never any bulletin posted to that effect?

A. Not that I saw.

Q. Was there ever any bulletin posted about solicitation on the plant premises?

1243 A. Not that I can recall.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Froling, you testified to your conversation with Frank Lackhouse. Did you ask Frank Lackhouse to do any soliciting for the Independent Union?

A. Yes, I did.

Q. Did you ask him to solicit for the Independent under cover?

A. Yes, I told him to be careful, that he wouldn't get caught.

Q. Did you use the term "under cover"?

A. No, I says, "Take it easy and be careful that you don't get caught."

Q. Why did you tell him to take it easy so that he wouldn't be caught?

A. Because I didn't want him to get fired and I didn't want to get fired either.

Q. Was it your understanding that you would get fired, if you got caught soliciting that you would be fired?

A. Yes, sir.

Q. What took place to give you that understanding?

A. Well, Louis Salmons was fired for organizing.

Q. Did any of the foremen ever tell you that you would get fired if you got caught soliciting?

1244 A. I don't remember.

Q. Well, did anybody around the plant ever tell you that?

A. Well, we talked about it among ourselves.

Q. Did Mr. Wham tell you?

A. No.

Mr. Wham: I didn't represent them at that time.

The Witness: I didn't know Mr. Wham then.

Q. (By Mr. Seyfarth.) Did the officers of the Independent Union tell you?

A. There were no officers at that time.

Q. Not at that time?

A. No.

Q. Now, what position did you hold with the N. R. A. Union before the establishment of the Independent Union?

A. Well, I was a representative for, I think, two years, and then I was chairman for two years, chairman of the board.

Q. Chairman of the board?

A. Yes, sir.

Q. Who else was on the board then?

A. Well, there was seven of them. They were changed from time to time. We had an election every six months. We would have three departments elected every six months—I don't know whether it was January or July, and the other four the opposite end, so it would not be a complete new board at one time.

1245 Q. Your duties as a representative of the union took you through different parts of the plant?

A. Which union are you referring to, the N. R. A.?

Trial Examiner McCarthy: The old board.

A. Yes.

Q. (By Mr. Seyfarth.) The N. R. A. Union, the old board?

A. Yes, it took me to other parts of the plant.

Q. When did you cease to go to other parts of the plant; when the old union was dissolved?

A. I was told to stay at my machine. I don't know, it was along in May or June the boss says to me that you are doing too much running around, stay here by your machine where you belong.

Q. That was the first time that you had been told to stay around your machine?

A. Yes, he told me I was not on the board any more, I didn't have any more authority to run around.

Q. How long had you been off the board when you were told that by your foreman?

A. Oh, maybe a month.

Q. About a month?

A. Yes.

Q. What is the fact, Mr. Froling, regarding the solicitation of members in—by union organizations other than the Independent Union on company time and property?

1246 A. I didn't quite get your question.

Trial Examiner McCarthy: He is asking about the C. I. O.

Q. (By Mr. Seyfarth.) Did the C. I. O. do any soliciting?

A. I couldn't say. I seen them visiting around with the different fellows, the same as I had visited, if you want to call it that.

Q. Was it your understanding that the bosses might find it difficult to distinguish between visiting and soliciting?

A. Oh, yes.

Mr. Seyfarth: That is all.

Redirect Examination.

Q. (By Mr. Wham.) This old N. R. A. Shop Board; is that still in existence?

A. No.

Q. How was it disposed of and when?

A. Well, it was after the Wagner Act was declared constitutional. We called a special meeting—

Q. (By Trial Examiner McCarthy.) Do you remember what date?

A. No, I cannot, but it was about a week I would say, I would say a week after that, I would say that. I went down—I went around to each member, went around to them myself, and told them that we would have to have a special meeting, and I called Mr. Berry on the 1247 phone. He was the company representative at that time.

I told him we were going to have a special meeting and I would like to have him come over right away. And after we all got in there, why, I said that we had a mutual agreement in the Employees Board that we could not disband without both parties agreeing.

So then I mentioned the fact that the Wagner Act was legal and that the Employees Board was illegal, and I asked each member if they had anything to say; and I explained to them we had to disband.

When they said "No", I said to Mr. Berry, "Have you got anything to say?"

He said, "No."

I said, "Well, we will call the Employees Board disbanded."

Q. Just another question. While you were on the board Mr. Berry sat in with you?

A. Yes, sir.

Q. Did you ever have any wage increases during that time?

A. I believe we did, yes.

Q. Just think about it. Do you know definitely whether you did or not?

A. Yes, I know we did.

Q. How would those come up?

A. Well, I brought it up a couple of times myself. The men were after me to go to the management and ask for more money, and it was my job to take care of their grievances for them.

So when we would have these meetings I would speak to Mr. Berry about a wage increase, tell him that the business was better and living was getting more expensive, and that we thought we ought to have more money.

And Mr. Berry would tell us—well, he would take it up with his boss. I think there was a time or two after we brought it up that he came back and gave it to us.

Q. One of the witnesses testified that he was on the board, I think it was Frank Lackhouse, and that the management used the Employees Board as a place to make

the first announcement that the wage increase had been granted.

What is your experience in that respect?

A. Well, of course, we asked for it and naturally when they were going to give it to us they would call us and let us know that they had granted our request.

Q. Were you sorry when the N. R. A. Board was disbanded?

A. No.

Q. And did you know at the time that you asked him to solicit for the Independent that he was C. I. O.?

A. No, I didn't.

Q. Do you know that he is?

A. I beg pardon?

Q. Do you know now what the fact is?

1249 A. Yes, I do.

Mr. Reynolds: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) May I ask one question. Can you fix the date definitely on which you called that special meeting?

A. Can you tell me the day the Wagner Act—

Q. April 12th.

A. That was the exact day that the Wagner Act was declared constitutional?

Q. Yes.

A. Was that a Monday?

Mr. Wham: Yes.

A. Well, it was the following Monday.

Mr. Seyfarth: I have the agreement here which I will have the witness identify, which states that it was April 19th, 1937.

Mr. Wham: One week is the 19th. From the 12th to the 19th.

Trial Examiner McCarthy: April 12th the Wagner Act was held constitutional.

Mr. Wham: Yes.

Q. (By Trial Examiner McCarthy.) A week later, April 19th, you called a special meeting to abandon the Board Plan?

A. That is right.

1250 Q. What happened between those two periods?

A. Why, we got these petitions up.

Q. And they were all signed up by that time, were they not?

A. Yes.

Trial Examiner McCarthy: That is all.

Redirect Examination (Continued).

Q. (By Mr. Wham.) Was there any connection between the Supreme Court decision and the solicitation for the Independent?

A. Not that I know of, not that I know of.

Q. (By Trial Examiner McCarthy.) Wasn't it a substitution?

A. It was a substitution.

Trial Examiner McCarthy: Read the two previous questions.

Q. (By Mr. Wham.) How did you happen to solicit—

Trial Examiner McCarthy: Wait a minute, let him answer.

A. I don't know how to answer the question, I don't quite understand it.

Trial Examiner McCarthy: All right.

Q. (By Mr. Wham.) How did you happen to start soliciting for the Independent Union?

A. Well, the Wagner Act was declared constitutional and that threw the Employees Board out, and we had to bargain collectively with the Company. We were 1251 entitled to a union if we chose it, and we circulated these petitions to see if we could get a majority.

Q. The two points were connected, were they not, the two different ideas were connected?

A. Oh, yes.

Q. In that sense the Independent did take the place of the old Shop Union?

A. That is right.

Mr. Wham: That is all.

Mr. Seyfarth: Mr. Reporter, will you mark this Respondent's Exhibit No. 3 for identification.

(Thereupon the document above referred to was marked as Respondent's Exhibit No. 3 for identification.)

Mr. Wham: Mr. Examiner, I will ask the witness another question.

Q. (By Mr. Wham.) Wouldn't the Shop Union or the N. R. A. Union have been thrown out whether or not there was an independent union?

A. Yes, it would have.

Q. (By Trial Examiner McCarthy.) Why?

A. Because it was illegal.

Q. Because it was illegal?

A. Yes.

Mr. Wham: That is all.

1252

Recross Examination.

Q. (By Mr. Seyfarth.) I show you a document marked Respondent's Exhibit 3 for identification. Will you read that, please?

(Handing document to the witness.)

Is it signed by you?

A. Yes, sir.

Q. I will ask you to state whether or not that is the agreement to dissolve the Employees Board of the Link Belt Company?

A. That is right.

Q. And is this document dated April 19th, 1937?

A. That is right, yes, sir.

Mr. Seyfarth: That is all.

Q. (By Mr. Reynolds.) When did you see the C. I. O. boys—

Trial Examiner McCarthy: Are you going to introduce that exhibit in evidence?

Mr. Seyfarth: I will make my offer when I put in my other exhibits.

Recross Examination.

Q. (By Mr. Reynolds.) When did you see the C. I. O. boys visiting around the plant like you did?

A. Oh, always, they always visited around at the same time.

Q. Always, when?

A. Before and after we started this.

Q. After you started the Independent Union you saw the boys wandering about just as you would, the C. I. O. boys?

A. Both before and after, both times.

Q. Who did you see doing that after the Independent Union started?

A. Well, there was a fellow named Bjork, and there was his brother running around visiting, and Fred Johnson was running around visiting.

Q. Johnson's work took him about the plant, didn't it?

A. So did this Bjork, that one Bjork.

Q. That electrical maintenance man?

A. Yes, one of them, the other one was a helper.

Q. You worked at a machine, didn't you?

A. Yes, sir.

Q. Did you hear any of these conversations that Johnson or the Bjork brothers had?

A. No.

Q. You don't know what they were talking about?

A. No, I said they were visiting.

Q. Now, you say that your boss, Charles Leonard, told you not to run around anymore about a month after the Independent started?

A. Well, I didn't say a month, I wouldn't be definite about that.

Q. By that time the Independent Union had the sole bargaining recognition agreement from the company 1254 and your organization had elected officers and was functioning as an organization; is that right?

A. That is right, yes, sir.

Mr. Reynolds: That is all.

Redirect Examination.

Q. (By Mr. Wham.) Was there any connection between the fact that the Independent had been recognized at that time and the fact that Mr. Leonard spoke to you?

A. Yes, he knew that we had a union at that time and he told me to stay at my machine.

Q. What I am getting at is this; do you think that he saw you running around while the Independent was being formed and refrained from speaking to you at that time in order that you could form the Independent?

A. Oh, I don't think so.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all, thank you.

Mr. Reynolds: That is all.

(Witness excused.)

Mr. Wham: Hubert Brucks.

HUBERT BRUCKS, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

1255 A. Hubert Brucks.

Q. How do you spell your last name?

A. B-r-u-c-k-s.

Q. Where you do live, Mr. Brucks?

A. 802 Indiana Avenue.

Q. In Chicago?

A. Chicago.

Q. Where do you work?

A. Link Belt Company, 39th Street plant.

Q. How long have you worked there?

A. Eleven years.

Q. In what department?

Q. (By Trial Examiner McCarthy.) How many years?

A. Eleven years. I work in the welding bay in the steel shop.

Q. Now, you heard Mr. Linde testify yesterday afternoon, didn't you?

A. Yes, sir.

Q. Would your testimony be approximately the same as his?

A. It would.

Q. You were one of the organizing committee, were you not, of the Independent Union?

A. I was.

Q. Do you—did you hold office at that time in the Independent Union?

1256 A. I held a stewardship for a little while.

Q. But you are not an officer now?

A. No, sir.

Q. You were not on the bargaining committee either?

A. No, sir.

Q. Did you do any soliciting for the Independent Union membership during the week of April 13th?

A. Oh, I secured a few names.

Q. Did you attend a meeting on April 22nd, this first meeting of the Independent Union?

A. I did.

Q. You heard Mr. Linde and Mr. Litster testify as to that meeting?

A. I did.

Q. And would your testimony be the same to what happened there as theirs?

A. It would be.

Mr. Reynolds: I object, if the Examiner please, on the ground that it couldn't possibly be the same because their testimony conflicted.

Trial Examiner McCarthy: We are just avoiding accumulation. Objection overruled. Proceed.

Q. (By Mr. Wham.) What is the fact in regard to your solicitation for members in the Independent, as to whether it was on company time or off company time?

1257 A. Well, I never solicited a great deal. I secured a few members, but that was before working hours. I solicited one or two during working hours and got bawled out for it and then I stopped.

Q. Now, Mr. Frank Lackhouse testified that Froling told him that you had an "in".

A. I never had an "in".

Q. Did you ever have any understanding with the Link Belt Company with regard to organizing the Independent Union?

A. No, sir.

Q. Donald Sullivan testified that you talked to him about two minutes during working hours asking him to sign up for the Independent Union.

Do you remember that incident?

A. I never asked Don Sullivan to sign up an Independent application at all.

Q. Did you ever see any solicitation for the C. I. O.?

A. Well, I never actually seen them sign anybody up. I used to see Louis Salmons come through the welding bay, and Fred Johnson come through the welding bay, but they never solicited me, and I never seen them sign anybody up.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Who bawled you out for soliciting?

A. R. C. Longwell.

1258 Q. R. C. who?

A. Longwell.

Q. What did he tell you?

A. He told me I was being paid to work, not to be walking around.

Q. He did not fire you for it?

A. No, I am still on the payroll.

Q. Do you know why Louis Salmons and Joe Novak left the company at one time back in 1926?

A. Yes, I heard that they were discharged for organizing.

Q. You didn't hear of any Independent Union of Craftsmen organizer being discharged, did you?

A. Not that I know of.

Q. Do you remember anything about Paul Bozurich's actions in the first meeting of the Independent Union?

A. I do.

Trial Examiner McCarthy: I think you have covered that pretty thoroughly on direct examination. The witness said that he heard Litster and Linde testify: Unless you are going to bring out something new, let's avoid repetition.

Mr. Reynolds: I will ask that question about Paul Bozurich.

Q. (By Mr. Reynolds.) Do you think that Paul Bozurich conducted himself like a gentleman or a rowdy at that meeting?

A. Like a gentlemen or what?

1259 Q. Like a gentleman or a rowdy?

A. I would say he was a rowdy.

Mr. Reynolds: That is all.

Mr. Seyfarth: No cross-examination.

Mr. Wham: That is all.

Trial Examiner McCarthy: You may be excused.

(Witness excused.)

Mr. Wham: Mr. Ross.

ARTHUR B. ROSS, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Arthur B. Ross.

Q. Where do you live?

A. 353 East 76th Street.

Q. Chicago?

A. Chicago.

Q. Where do you work?

A. For the Link Belt Company, 39th Street plant.

Q. Are you an officer of the Independent Union?

A. Yes, sir.

Q. What office do you hold?

A. I am president of the plant local of the 39th Street plant, No. 1.

1260 Q. You are the same witness who testified here on the first day of the hearing, aren't you?

A. Yes, sir.

Q. How long have you been president of the plant Local No. 1?

A. Since the 4th of June, I think it was the 4th or the 8th, probably the 8th, the second Tuesday of June.

Q. Whose place did you take?

A. I took Eddie Rask's place.

Q. Did he resign or what happened to him?

A. He resigned because he was made inspector on an outside job.

Q. Where did he go?

A. I think he went to Pittsburgh, I am not positive about that, but I think that he went to Pittsburgh.

Q. Were you active in the Independent Union prior to your election?

A. Yes, sir.

Q. What was your connection with it before that?

A. I was shop steward in D. K. for part of that time.

Q. Directing your attention to the week of April 12th, during the time when there was some solicitation for membership in the Independent Union, were you active in that at all?

A. To a certain extent. The list in our department was handled by a fellow named Joe Zeske; and there were times that he wanted—he was also a rodman—he would leave the list with myself or somebody else in our department.

Q. Did you obtain some signatures?

A. Yes, sir.

Q. And with reference to working hours when did you do that?

A. Well, we obtained most of our signatures during the lunch hour, at noon.

Q. Do you know of any signatures you obtained during working hours?

A. I might have, one or two.

Q. Do you know of any?

A. I couldn't say, not right off, no, sir.

Q. Was there any foreman or supervisory officer around when you did that?

A. No, I wouldn't say that there was.

Q. I believe you told me that you did not attend the first meeting of the Independent.

A. There is still a doubt in my mind whether I did or not.

Q. But you attended the meeting where the election was held?

A. Yes, sir.

Q. Do you recall how many were there?

A. There were probably 450 there.

1262 Q. 450?

A. I think the actual count at one time on one vote was around 415 or 420, because I happened to be judge of the election that particular night and counted the ballots.

Trial Examiner McCarthy: Wouldn't the minutes show that exactly, what took place?

Mr. Wham: I am going to put Mr. Friberg on for that.

Q. (By Mr. Wham.) Did you engage in collective bargaining with the company at any time?

A. Yes, sir, we did, probably after around the latter part of September.

Q. You heard Mr. Linde testify, did you, yesterday?

A. I was not here yesterday.

Q. Just tell us briefly what you did?

A. Well, there were a number of times when we went into Mr. Berry's office to bargain. I recall one time about a closed shop, and a number of conferences that we had on it; and about a vacation setup; and it took probably three or four meetings to get that.

We finally accepted a vacation policy that they offered us.

Q. You did not accept the first one?

A. No, we did not. We wanted a whole lot more than we got.

Q. Do you know anything about getting a written agreement from the company?

1263 A. No, I was not in on those conferences.

Q. That is, was the company finally issued a statement of policy?

A. Yes, the company finally issued a statement of policy after we had readjusted some of the points that we already had up.

Trial Examiner McCarthy: Is that statement of policy in evidence?

Mr. Wham: It is.

Trial Examiner McCarthy: What number, do you recall?

Mr. Wham: Yes, I can give that to you. It is—

Trial Examiner McCarthy: Is that No. 10?

Mr. Wham: Yes.

Trial Examiner McCarthy: The agreement?

Mr. Wham: No. 10.

Q. (By Mr. Wham.) Did you take that matter up with the members?

A. Yes, sir, we did.

Q. How many meetings did you have on that?

A. We had one meeting and it was brought up, and then the next meeting we took it up after we had made a readjustment with Mr. Berry, and then it was passed on. There were in all probably about three, as I recall. I can only recall a couple of them now, that we really made from the original setup, from the original copy.

1264 Q. A couple of changes?

A. A couple of readjustments, yes.

Q. Did the members actively discuss the matter?

A. Yes, we took up every paragraph in it. What I mean is, that we took up each one by itself.

Q. Do you know whether or not the contract drafted back in May and the first part of June was taken up with the members?

A. Yes, it was, it was taken up at a meeting that I presided at.

Q. Did they approve it?

A. They approved it at that time. We approved not only the whole volume of it, but we took each part up separately and voted on it.

Q. What is the fact with reference to whether or not you had any understanding with the company for support of any kind for the union, and whether or not the company has actually given any support to the union?

A. They have not that I know of, no, sir.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Do the shop stewards for the Independent Union collect dues on company time?

A. I couldn't say that they do for sure. I know that that is a part of their duties, to collect dues.

1265 Q. When you were shop steward did you collect on company time?

A. Sure I have accepted dues on company time.

Q. Were you ever docked in your pay for the time you took in collecting dues?

A. Docked? I didn't spend any time on that. Somebody would come along and drop a half a dollar in my hand, it would not take any time.

Q. Did you have any instructions from your foreman as to whether you were entitled to do that?

A. No, sir.

Q. You never had any agreement with the company as to the use of company time for the collection of dues?

A. No, we never did.

Q. Did any foreman ever say anything to you about the circulation of this list for getting the names before the first union meeting?

A. No, the fact of the matter is I don't think the foreman knew I had the list.

Q. Do you know whether the foreman knew Jeske had the list?

A. Of course, I don't know whether the foreman knew it or not.

Q. Did you see the list Jeske passed around?

A. Yes, I seen the list he had.

Q. He passed that list around during working hours?

1266 A. I couldn't answer as to that.

Q. Did you sign it during working hours?

A. Yes, I did.

Q. He handed it to you, didn't he?

A. Yes.

Mr. Reynolds: That is all.

Mr. Seyfarth: No cross-examination.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: I will call Mr. Friberg: Bring up all your records, will you, Mr. Friberg?

Trial Examiner McCarthy: May I ask what these records are? They seem to be very voluminous.

Mr. Wham: I am not going to introduce them, I am going to refer to them.

Trial Examiner McCarthy: There will not be any repetition of what Mr. Linde has already testified to?

Mr. Wham: No.

ALVIN N. FRIBERG, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Alvin N. Friberg.

Q. Where do you live, Mr. Friberg?

1267 A. 8642 Wood Street.

Q. Chicago?

A. Chicago is right.

Q. Where do you work?

A. Link Belt Company, 300 West Pershing Road.

Q. Do you hold an office in the Independent Union of Craftsmen?

A. Yes, I have the office of secretary.

Q. How long have you held that office?

A. Since the latter part of July, I succeeded Conybear.

Q. What are Conybear's initials?

A. Frank.

Q. Will you please tell us what these books and documents are?

A. Those are—I have here the minute book—

Q. Just take that book. The minute book of what?

A. Of all of the minutes of our meetings.

Q. Of what local?

A. Of Local No. 1, as it is known today.

Q. What is this? (Indicating.)

A. That is a cash book, showing all that was turned in.

Q. Is this in some kind of a case?

A. No, just inside the cover.

Q. And what is this other book which is about five inches high?

1268 A. That is the ledger of all payments that have been made from the cash book, balancing with my treasurer.

Q. Payments of what?

A. Of dues of the members.

Q. And have you a separate sheet in the ledger for each member?

A. I have a separate sheet for each member in the ledger.

Q. And what is all this collection of papers here?

A. In the collection of papers you will see the receipts

from the treasurer and slips that have been turned in by the stewards.

Q. Now, do you know how many members paid dues for the month of May, 1937?

A. Well, I would approximate it over 700.

Q. Look at your cash book and tell us?

A. That record was kept by George Linde.

Q. But it shows over 700, doesn't it?

A. Yes, sir.

Q. And it shows—

A. I think it is 725. If I may refer to it, I can tell you exactly.

Trial Examiner McCarthy: Yes, refer to your book.

A. (Examining document.) Yes.

Q. (By Mr. Wham.) That was Conybear's term?

A. Yes; that was Conybear's term, 725.

Q. What is the fact as to the total number of dues 1269 that have been collected by the Independent Union?

A. Repeat the question, please.

Mr. Wham: Read the question.

(Question read.)

A. I don't get that question at all.

Trial Examiner McCarthy: He wants to know the total amount of money collected. Do you remember approximately?

The Witness: I can tell you right here, I have it here. (Examining papers.) As of the audit of March 5th—

Q. (By Trial Examiner McCarthy.) March 5th, 1938?

A. 1938. \$2,860.50.

Q. (By Mr. Wham.) Now, directing your attention to the minute book and particularly to the minutes of April 22nd, 1937—

Trial Examiner McCarthy: Excuse me. I wonder if we can't stipulate and put the minutes in.

Mr. Reynolds: I won't stipulate to any minutes if I don't know when they were prepared. I want to look at them first.

Trial Examiner McCarthy: Even then you may not know when they were prepared.

Mr. Reynolds: I know, but I want to have some opportunity in the use of them for cross-examination.

Mr. Wham: Oh, yes.

Q. (By Mr. Wham.) Do you find there the minutes for that meeting?

A. I do.

Q. And do you know who prepared them?

A. George Linde, who was secretary temporarily at that time.

Q. What do they show? What action was taken?

A. Shall I read the minutes?

Q. Just read the resolution.

Trial Examiner McCarthy: I think it would facilitate matters a lot if we can get together and put excerpts from the minutes without duplicating the relevant parts, and save time on both sides.

Mr. Wham: It is very short, if you will just read the resolution, I think it will be very short.

The Witness: The resolution: "Resolved that the constitution be and it is hereby ratified, approved and adopted; and the acts of the organizing committee are hereby ratified and adopted."

Q. (By Trial Examiner McCarthy.) What is the date of that?

A. April 22nd, 1937.

Trial Examiner McCarthy: I thought they were not ratified until May 4th, according to Mr. Linde's testimony.

Mr. Wham: No.

Trial Examiner McCarthy: That is my recollection.

Mr. Wham: The election was May 4th.

1271 Q. (By Mr. Wham.) Who made that motion?

A. "Mr. Reidel proposed the following resolution," which has been read.

Q. Who seconded it?

A. Mr. Linde seconded the motion.

Q. Now, there is one other resolution in the minutes. Read that.

A. "Resolved that the committeemen and delegates named in the constitution continue to serve in their respective capacities for one month or until a general election can be held by secret ballot for the election of permanent committeemen and delegates."

Q. Now, directing your attention to the meeting of May 4th, 1937, will you state if those show who were elected officers?

A. Yes, sir.

Q. And delegates?

A. It does show.

Q. Does it show the number of votes cast?

A. It does not show the number of votes cast.

Q. Now, can you tell me if you know what votes were cast?

A. Upon the question I received—

Q. (By Trial Examiner McCarthy.) What was the question?

A. Our counsel, Mr. Wham, thought I had this. I said I didn't have the position, that Frank Conybear had taken those minutes, and Mr. Wham had condensed them; and I called Frank and he said that he had a note book, showed me it and it was illegible to me, and he gave me the figures which I can quote.

Trial Examiner McCarthy: Just a minute—

The Witness: Froling, 102. Heil, 24. Wilkie—

Trial Examiner McCarthy: Just give us the three top ones.

Mr. Wham: There are only just a few. If we add the whole thing it will only take a moment.

The Witness: Litster, 81. Brucks, 64. Linde, 115. Making a total in my way of adding of 417.

Q. (By Trial Examiner McCarthy.) Well, are these the three top men?

A. These are the three top men.

Q. (By Mr. Wham.) They are the three top men?

Trial Examiner McCarthy: That is cumulative voting, is it?

Mr. Wham: As I understand it the way they were elected the three top men served as delegates, those who got the highest votes served as delegates, but the purpose of putting this in was to show the total number voting at the time.

Q. (By Mr. Wham.) Were you present at that meeting?

A. I was present at that meeting in a voting capacity.

Q. Do you know what time of night that particular vote was taken?

1273 A. Oh, I would approximate it was somewhere around in the vicinity of ten. I am not certain though, it is only a guess. It was along about ten.

Q. How was it taken?

A. It was taken secretly, by ballot.

Q. And do you know whether or not all who had been there were there at the time?

A. The majority were, I wouldn't say all were.

Mr. Wham: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) That May 4th meeting have you got a resolution there?

A. As to what?

Q. What is that resolution?

Mr. Wham: For the election.

The Witness: This is the election: "Resolved"—

Trial Examiner McCarthy: Let me see that.

(Document handed to Trial Examiner.)

Mr. Wham: The only business transacted on May 4th was the election, as I understand it.

Trial Examiner McCarthy: According to Linde he said it was ratified on May 4th, according to my notes.

Mr. Wham: Either you or he made an error because the ratification took place on the 22nd. That is the meeting that I attended and I think I am qualified to testify myself.

1274 Trial Examiner McCarthy: Yes, that is the one that Paul Bozurich took part in.

Mr. Wham: That is right.

Trial Examiner McCarthy: Proceed.

Cross-Examination.

Q. (By Mr. Reynolds.) How long have you had this book?

A. I had that book immediately upon receiving the job as secretary.

Q. (By Trial Examiner McCarthy.) When did you get the job?

A. The latter part of July, the minutes will show it.

Q. (By Mr. Reynolds.) Who did the typing of the minutes?

A. I have typed the minutes—I am not certain as to who did the other—from that latter part of July on.

Mr. Wham: Prior to that time there was another secretary.

The Witness: There had been Frank Conybear first. You will not I ain't the best typist in the United States.

Mr. Wham: Don't volunteer any statements, just answer the questions.

Q. (By Mr. Reynolds.) Now, attached to the minutes of the meeting of April 22nd there is another typewritten slip in here and signed by you, giving the minutes of the meeting.

A. That is not signed by me.

Q. That was signed by Mr. Linde?

1275 A. That is right.

Q. How does that happen to be in your minute book?

A. I just said a minute ago that he was temporary secretary.

Q. Well, is this the form of the notice that was given to the employees?

A. That is what is on there.

Q. You don't know anything about it personally?

A. I couldn't say.

Q. You were working at the Link Belt Company, weren't you?

A. I was.

Q. You have seen that notice?

A. I did.

Q. Where was it prepared?

A. Where was it prepared?

Q. Yes.

A. You will have to ask the man who made the notice out.

Mr. Wham: Just answer yes or no or say you don't know. Don't get argumentative.

Q. (By Mr. Reynolds.) How long after the minutes were taken for these meetings did you type them up?

A. I said I didn't type them up other than after July when I received the book.

Q. All right, I am asking that question then, when did you type them up after you received the office, with 1276 reference to the time that you took down the notes?

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) After July the 1st or in July when you got the job, the office, then you had a meeting?

A. Yes.

Q. Let us say Friday night. He wants to know how long after that Friday night you started to type them up?

A. I would start on Saturday, or at the latest Monday.

Q. You took your notes in longhand, is that right?

A. That is right, I took the highlights.

Q. (By Mr. Reynolds.) Were the minutes approved at the following meeting always?

A. They were.

Q. (By Trial Examiner McCarthy.) What position do you hold?

A. I am secretary in the union.

Q. Of the local?

A. Of Local No. 1.

Trial Examiner McCarthy: He is the secretary of Local No. 1.

Mr. Wham: That is all, that is right.

Trial Examiner McCarthy: Linde is the secretary of the General Council.

Mr. Wham: Of the board of directors now.

1277 Trial Examiner McCarthy: Do you use the same minute book?

Mr. Wham: No, they have a different minute book.

Trial Examiner McCarthy: The question here is not so much Local No. 1 as the General Council.

Mr. Wham: I understood from the pleadings it was all with reference to the 39th Street plant; the Caldwell-Moore plant is not involved at all as I can see.

Mr. Reynolds: Mark this the next Board exhibit number.

(Thereupon the document above referred to was marked as Board's Exhibit No. 23 for identification.)

Trial Examiner McCarthy: But the Independent Union of Craftsmen is a lodge dominated union, isn't it?

Mr. Wham: They call it that, but within the 39th Street plant it is just the one local.

Trial Examiner McCarthy: Well, the domination does not—

Mr. Wham: In other words, you would have to go through a different hearing entirely to get the facts as to the formation of the lodge at Caldwell-Moore. As a matter of fact—

Trial Examiner McCarthy: It is a part of the Union of Independent Craftsmen.

Mr. Wham: As a matter of fact, it did not affiliate for some months.

1278 *Cross-Examination (Continued)*

Q. (By Mr. Reynolds.) I show you Board's Exhibit 23 for identification and ask you what that is?

(Handing document to witness.)

A. That was taken from the minutes to be posted upon the board to notify everybody in the department what the penalty would be.

Q. What is it? What is the notice?

Trial Examiner McCarthy: Penalty for what?

A. For acquiring membership in the Independent Union of Craftsmen, that there would be an initiation fee of \$3.00.

Q. (By Mr. Reynolds.) If they did not join by a certain time?

A. Effective September 1, 1937, there will be an initiation fee of \$3.00 required to acquire membership in the Independent Union of Craftsmen. That was signed by myself.

Q. When was that action taken by the union?

A. You will find out in the meeting previous to my going in.

Q. This is a form that you posted on the bulletin board?

A. That is right.

Q. Where did you prepare this?

A. At home.

Q. (By Trial Examiner McCarthy.) Is this just a local notice?

1279 A. Yes, sir.

Q. Or is it an Independent Union of Craftsmen's notice?

A. The Independent Union of Craftsmen, that is all, that is a local notice.

Q. (By Mr. Wham.) It was posted—

A. On the bulletin board.

Q. It was posted only at the 39th Street plant?

A. It was posted only at the 39th Street plant.

Trial Examiner McCarthy: Mr. Wham, do you understand that there is a distinction between the two plants in that one union?

Mr. Wham: Yes, very decidedly.

Trial Examiner McCarthy: What is the distinction?

Mr. Wham: We have a decided conflict at times between the two locals.

Trial Examiner McCarthy: That is just a matter of international organization, is it not?

Mr. Wham: It came to the matter of a company unit we would have to take a separate vote out there because they organized separately and affiliated.

Trial Examiner McCarthy: They were a part of the parent company—if they were a part it would seem that they would become involved, wouldn't it?

Mr. Wham: I don't see how they can unless the complaint involves them. In other words, there is no 1280 notice, even by the complaint, about them.

Trial Examiner McCarthy: Well, a notice to a part is also a notice to the whole, isn't it?

Mr. Wham: I don't think so, because the whole—

neither the whole nor the part is notified that there is anything wrong with the Caldwell-Moore setup, by the complaint.

Mr. Reynolds: May I interject to say that notice is no longer required by the decisions of the United States Supreme Court, anyhow.

Mr. Wham: I don't agree with that construction of the Supreme Court decision.

Trial Examiner McCarthy: I think we will have to be careful at the same time. There seems to be a distinction between the local and the union, as I understand it.

Q. (By Mr. Reynolds.) What was the purpose of this notice, Mr. Friberg?

A. According to what I believe were the instructions at that meeting—whatever meeting it was, I don't recall, the minute book will show that, to post that notice that there will be an initiation fee of \$3.00 effective September the 1st.

Q. Don't you know that the purpose of it was to encourage those who had not already joined to do so immediately?

A. I would not say so.

Q. Do you know what the purpose was?

1281 A. I cannot answer that.

Mr. Wham: What is that exhibit number?

Mr. Reynolds: 23. I will offer in evidence this document as Board's Exhibit No. 23.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "BOARD'S EXHIBIT NO. 23" for identification was received in evidence.)

Q. (By Mr. Reynolds.) How many of your members are now in good standing, Mr. Friberg?

A. Well, if you relate that—what date do you wish to refer to?

Q. For the month of February how many members paid dues?

A. I have it right here (examining book), 346.

Q. (By Trial Examiner McCarthy.) That is just for the 39th Street local?

A. That is right.

Q. That does not refer to the total income of the union?

A. No, sir.

Mr. Reynolds: That is all.

Mr. Seyfarth: Mr. Examiner, may we take a little time off, please? I notice it is after twelve.

Trial Examiner McCarthy: I see all these men here. Are they working Monday? If it will be more convenient to the men we can continue on this afternoon. I understand that they are only working three days a week.

Mr. Wham: May I go off the record?

Trial Examiner McCarthy: Yes. We will adjourn until one o'clock.

Mr. Reynolds: I want to say something on this. It seems to me the convenience of counsel has to be considered in this matter, too. We have other matters besides this one case to consider. Personally, I have some very pressing matters which should be taken care of this afternoon. I don't relish the idea of all day Saturday and nights.

Mr. Seyfarth: I have some pressing matters I would like to finish. My preference would be that we adjourn until Monday morning.

Mr. Wham: Personally I would like to go ahead because I have a number of people down here.

Trial Examiner McCarthy: In view of the number of witnesses we will continue this afternoon.

(Whereupon a recess was taken until 1:00 o'clock P. M.)

1283

After Recess.

(Whereupon, the hearing was resumed, pursuant to taking of recess, at 1:00 o'clock P. M.)

Trial Examiner McCarthy: The hearing will come to order.

ALVIN N. FRIBERG, a witness called by and on behalf of the Intervener, being previously duly sworn, resumed the stand and testified further as follows:

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Witness, I hand you Board's Exhibit 23, which is the notice posted on the Independent Union bulletin board, stating:

"To whom it may concern: Effective September 1st, 1937 there will be initiation fee of \$3.00 required to

acquire membership in the Independent Union of Craftsmen. (Signed) A. Friberg, Acting Secretary."

You stated you prepared this document?

A. I did.

Q. Did you prepare it in your home?

A. I did.

Q. Was it prepared on your typewriter?

A. It was the union's typewriter, it belonged to the local.

Q. The union owns a typewriter, does it?

1284 A. They do.

Q. When did you purchase that typewriter?

A. Exactly: I couldn't say without referring back to the voucher.

Q. (By Trial Examiner McCarthy.) Give the approximate date?

Q. (By Mr. Seyfarth.) Was it after you became secretary?

A. It was after I became secretary.

Q. Then you became secretary what date?

A. The latter part of July.

Q. I show you Board's Exhibit 2-A and Board's Exhibits 19, 21, 20 and 22, and ask you to examine the typewriting on those exhibits, and ask you if the typewriting is the same or different from the typewriting on Board's Exhibit 23, which you hold in your hand?

(Handing documents to the witness.)

A. Are you referring to this side or to this side? (Indicating.)

Q. That side with the purple ink.

A. No.

Q. It is not the same as Board's Exhibit 23?

A. That is right.

Q. You are referring now to Board's Exhibit 20, and you state it is not the same typewriting as Board's Exhibit 23?

A. Right.

1285 Q. Now, with reference to Board's Exhibit 21 will you state what is the fact with reference to the typewriting shown on that exhibit, as compared to the typewriting on Board's Exhibit 23?

A. This is the first time I have ever seen it, and it is not the same.

Q. (By Trial Examiner McCarthy.) Did you prepare those others, those other exhibits, aside from the first which you did prepare?

A. No.

Trial Examiner McCarthy: I think that answers the question.

Mr. Seyfarth: I want the record to be certain on the question of whether or not the typewriting is the same.

Trial Examiner McCarthy: The exhibits will speak for themselves.

Mr. Seyfarth: Yes, but I would like to have this witness, who has now observed Board's Exhibit 23, state whether or not the typewriting on that is the same as on Board's Exhibits 19 and 21?

The Witness: It is not.

Q. (By Mr. Seyfarth.) And do you know anything about Board's Exhibits Nos. 19 to 22, both inclusive?

A. I do not.

Q. I presume you purchased a typewriter after 1286 you felt that you could afford one?

A. That is right.

Mr. Seyfarth: That is all.

Further Cross-Examination.

Q. (By Mr. Reynolds.) How were the minutes of the earlier meetings typed up?

A. They were in the hands of another secretary.

Q. Then you don't know what typewriter he had or used?

A. I do not.

Mr. Reynolds: That is all.

Further Cross-Examination.

Q. (By Mr. Seyfarth.) Have you the yearly minutes with you?

A. I have them here.

Q. Will you show them to me, please?

(Documents handed to counsel.)

Mr. Seyfarth: If the Examiner please, it is my understanding that these records were not to be introduced in evidence.

Trial Examiner McCarthy: That is my understanding.

Mr. Seyfarth: Then I would like the witness to examine all of the minutes of the meetings of the Independent Union prior to the time he became secretary.

Q. (By Mr. Seyfarth.) Will you do that now? Just thumb over the pages.

1287 Mr. Wham: May I shorten this up by saying that I typed the original minutes?

Trial Examiner McCarthy: That is enough, that covers it.

Mr. Seyfarth: If it is understood that none of the minutes of the Independent Union are typed by him previous—

Trial Examiner McCarthy: They were typed by Mr. Wham.

Mr. Seyfarth: That is, that they were typed by Mr. Wham.

Trial Examiner McCarthy: That is right.

Mr. Seyfarth: That goes for all the minutes of the Independent Union prior to Mr. Friberg became secretary.

Trial Examiner McCarthy: Is that correct?

Mr. Wham: Yes, I believe so.

Mr. Seyfarth: Is this so understood, Mr. Reynolds?

Mr. Reynolds: Yes.

Q. (By Mr. Seyfarth.) Did you type off the minutes of the meetings of the Independent Union after you became secretary on the typewriter that you purchased?

A. No, there was possibly three weeks that we rented a typewriter.

Q. Who did you rent the typewriter from, Mr. Friberg?

A. From a party by the name of Strauss, 5221 Morgan.

Q. Is his business that of renting typewriters?

A. No, but I knew the people and I asked if I could be permitted to use the typewriter for a fee, if a fee could be obtained for such service.

Q. Has Mr. Strauss got any connection that you know of with the Link Belt Company?

A. No, sir, none whatever.

Mr. Seyfarth: That is all.

Redirect Examination.

Q. (By Mr. Wham.) How many employees of the Link Belt Company are eligible to join the union now?

Trial Examiner McCarthy: You are speaking of the local?

Mr. Wham: Of the local.

A. I would say just a little over 700 as a round figure.

Q. (By Mr. Wham.) Do you think it is over or under?

A. Slightly over, I wouldn't say to any extent at all.

Q. How many would you say have been let out or laid off?

A. That is a figure that I really couldn't answer definitely.

Q. Has there been quite a number?

A. There has been quite a number laid off.

Q. What is the fact with reference to the necessity of paying dues in the Independent in order to be in good standing?

A. In answer to that I would say that there is a minute that I have in the book—I don't recall what 1289 meeting—that he be given sixty days grace due to business conditions.

Q. What about the authority of the Independent to represent these employees even though they are in default in their payment of dues?

A. Will you repeat the question please?

Mr. Wham: Read the question.

(Question read.)

Mr. Reynolds: I object to that question because it calls for a conclusion.

Mr. Wham: I am referring now to Board's Exhibit 2, a copy of the application card of the Independent Union.

Trial Examiner McCarthy: Will you repeat the question, Mr. Wham?

Q. (By Mr. Wham.) Does the Independent Union continue to bargain for these members who are in default in payment of dues?

A. They do, so long as they are considered employees.

Mr. Wham: That is all.

Mr. Reynolds: No other questions.

Trial Examiner McCarthy: Witness excused.

(Witness excused.)

Mr. Wham: I will call Mr. Rosenbaum.

ARTHUR H. ROSENBAUM, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

1290

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Arthur H. Rosenbaum.

Q. Where do you live, Mr. Rosenbaum?

A. 5204 Drexel Avenue.

Q. That is in Chicago?

A. Yes, sir.

Q. Where do you work?

A. Link Belt Company, 39th Street plant.

Q. Do you hold office in the Independent Union of Craftsmen?

A. I do.

Q. What are you?

A. Treasurer.

Q. How long have you been treasurer?

A. Since the first night of the election of officers.

Q. (By Trial Examiner McCarthy.) When was that?

A. That was May, I think the 22nd, something like May the 22nd.

Q. Last year, 1937?

A. 1937.

Q. (By Mr. Wham.) You are not quite certain of that, Mr. Rosenbaum?

A. I am pretty sure it was May 22nd.

Q. Now, you have some records, have you, as treasurer?

1291 A. I have.

Q. Will you produce them?

(Documents handed to counsel.)

Q. Now, you produced some books and other documents. I show you the first one, and ask you what that is?

A. Check book.

Q. I show you another one and ask what that is?

A. That is a record of all money received or paid out, vouchers and checks to correspond with the vouchers.

Q. I show you what appears to be a bank statement.

A. That is a statement from the bank and cancelled checks.

Q. What bank do you do business with?

A. The Drexel State Bank.

Q. I show you what appears to be cancelled checks.

A. Those are the cancelled checks up to the date of March 5th.

Q. Here is a bundle, what is that?

A. Those are vouchers for all checks which have been drawn.

Q. Can you tell us what amount of dues have been collected by Local No. 1?

Trial Examiner McCarthy: Hasn't that already been testified to?

Mr. Wham: I just wanted to be sure.

Trial Examiner McCarthy: Let us avoid repetition if it has already been testified to.

1292 Q. (By Mr. Wham.) Was the figure given by Mr. Friberg this morning correct?

A. \$2,860.50 up to March 5th, 1938.

Q. Now, do all bills come to you for payment?

A. All bills come to the secretary and are turned over to me afterwards.

Q. How are they paid?

A. Mr. Friberg draws a voucher for the amount and I make out the check, countersigned by Mr. Friberg.

Q. How much money has the union expended since its organization? I mean Local No. 1.

A. Local No. 1 has expended \$2,735.08.

Q. How much money have they got in the treasury?

A. \$543.66, March 5th, 1938, the balance in the bank.

Q. Isn't there a little discrepancy there? You say you have taken in \$2,800 odd.

A. \$2,860.50.

Q. How much did you spend?

A. \$2,735.08.

Q. Leaving a balance of about \$125?

A. There are different figures which are taken in at the end, which does not come in connection with the dues, which is added, but not from the dues.

Q. But the fact is you have \$500 and some odd in the bank at the present time?

1293 A. \$543.66.

Q. Were you active in the organization of the Independent Union?

A. I was when they first started.

Trial Examiner McCarthy: That is enough. Did you want him to explain his answer.

Mr. Wham: No.

Q. (By Mr. Wham.) What did you do?

A. We first got together. We met with George Linde—

Q. You were one of the original group, were you?

A. Yes, sir.

Q. Would your testimony on that be the same as Mr. Linde's?

A. The same, absolutely.

Q. Did you do any soliciting?

A. I didn't do much soliciting because I didn't have much time to do it, although I may have on a few of the application cards.

Q. Not on the original list?

A. Not on the original list.

Q. In getting those application cards signed up when did you do it with reference to working hours?

A. At the noon hour, I may have got a few at the noon hour; I may have got a few in the working hours as the men came around to me to see me.

Q. You say you might have?

1294 A. Yes.

Q. You don't know?

A. I don't know positively, I may have, a few.

Q. Were any supervisors around at that time?

A. How?

Q. Any supervisors see you?

A. No.

Q. Has the union ever received any financial help from the Link Belt Company?

A. Not one penny.

Trial Examiner McCarthy: You are speaking of the union or the local now?

Mr. Wham: I am talking of the local now.

Q. (By Mr. Wham.) You would not know about the other?

A. I know nothing about the Caldwell plant whatever.

Q. (By Trial Examiner McCarthy.) About what?

A. The Caldwell plant, Local No. 2. This is all Local No. 1.

Q. (By Mr. Wham.) Did you see any solicitation for any other union?

A. No, I have not.

Mr. Wham: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Where do you work in the plant? What is the nature of your work?

1295 A. Steel chipping inspector.

Q. Steel chipping inspector?

A. Yes, sir.

Q. You spoke of some other money besides dues; what moneys were those?

A. When we originally organized, what money was taken in at that time, less the expenses paid out, that was turned over to me as treasurer.

Q. What was the source of that money that was taken in?

A. \$362, that is, less the expenses that were taken out.

Q. Where did that money come from? What is the source of that money?

A. From members who joined the Independent Union of Craftsmen.

Q. That is the organizing committee's contribution?

A. That is right, that was money paid in by each member who signed their names.

Q. As dues?

A. As dues, and paid over as dues.

Q. As I understood your testimony you said you had a certain amount of money from dues and an additional sum. What is that additional sum other than dues?

A. We had a dance, there is money from a dance in there.

Q. When was the dance?

A. The dance was on January 22nd.

1296 Q. 1937?

A. 1938.

Q. (By Mr. Wham.) How much did you take in on that?

A. The money I received was \$197.05.

Q. What is the source of this? There is some other money in that besides dance money?

A. The amount—

Q. (By Trial Examiner McCarthy.) And dues?

Q. (By Mr. Wham.) And dues?

A. The amount I originally received at the time was \$161.50.

Q. Mr. Linde was treasurer for a while?

A. Linde was treasurer for a while.

Q. Have you omitted some things in that period?

A. I am taking in the dues that were taken in after I was in office.

Q. How much did you get from Mr. Linde?

A. \$160.55.

Q. (By Trial Examiner McCarthy.) Do you consider yourself a supervisory employee?

A. No, sir, I do not.

Q. Isn't an inspector on the same plane as a foreman?

A. No, sir.

Q. Does he get about the same money or more money?

A. He does not get as much as a foreman.

Cross-Examination.

1297 Q. (By Mr. Reynolds.) You say you collected \$2,860 for dues?

A. \$2,860.50.

Q. \$2,860.50. Now, there was some dues which was not collected in that figure of \$2,860.50?

A. The original, yes.

Q. And the amount that was collected that is not included in there is what?

A. \$161.55.

Q. \$161.55?

A. Yes, sir.

Q. (By Mr. Wham.) Wasn't that amount turned over by Mr. Linde?

A. To me.

Q. Wasn't that originally a larger amount?

A. Yes.

Q. Give us the total?

A. \$362.05, which Mr. Linde collected.

Q. (By Mr. Reynolds.) Those were dues collected?

A. Yes, sir.

Q. All made prior to July, is that right?

A. All made prior to July.

Q. Then you made \$197.05 on the dance?

A. That is correct.

Q. Was that clear money?

1298 A. It was not clear money, but it was money I received.

Q. How much of that was expenses?

Q. (By Trial Examiner McCarthy.) On the dance?

A. The dance was a loss.

Q. (By Mr. Reynolds.) You had a loss on the dance?

A. We had a loss on the dance. That was money that was money that was turned back to me.

Q. I see where you received \$362.05 from a former treasurer, is that right?

A. No, I did not.

Q. What did you receive from the former treasurer?

A. I received \$161.55 from the former treasurer.

Q. \$161.55?

A. \$161.55—not from the former treasurer, he acted as treasurer.

Q. That is dues collections over and above the \$2,860.50, is that right?

A. Correct.

Q. In other words, Local No. 1 has collected \$3,022.05 in dues since it started?

Mr. Wham: No, that is not what he said. You have to add the \$2,860 and \$360 to get the amount.

Trial Examiner McCarthy: That is the total money?

The Witness: The amount of money collected from June 1st, 1937 to March 5th, 1938 was \$2,860.50.

1299 Trial Examiner McCarthy: We are talking about prior to June.

Q. (By Mr. Reynolds.) How much was collected prior to June 1st?

A. \$362.05.

Q. Is that all dues?

A. That is all dues.

Q. And what is the \$161.55 that you mentioned?

A. That is less expense which was paid prior—which was turned over to me; \$201.50, was the expense.

Q. You only received a net amount of \$161.55?

A. I received a net amount of \$160.55.

Q. \$161.55?

A. No, \$160.55. I received an extra dollar from Frank Conybear, which totaled \$161.55.

Q. (By Mr. Wham.) Are the expenses which George Linde paid before he paid you that sum, are they added in your total expenses?

A. No, I have just the \$201.50, that is all I have.

Q. Then you added \$201.50 to your total expenses?

A. No, that has nothing to do with the other figure at all.

Q. (By Mr. Reynolds.) You started out on June 1st with \$160.55?

A. \$161.55, that is what we started with on June 1st. I received an extra dollar from the former secretary.

Q. (By Mr. Wham.) How much have you taken—

Mr. Reynolds: Allow me to ask these questions.

Mr. Wham: All right, I am trying to get the facts.

Q. (By Mr. Reynolds.) Since June 1st how much have you collected from any source?

A. \$2,860.50 for dues.

Q. You didn't collect anything on the dance because that is a loss?

A. That is a loss, but I received \$197.05 back, but the dance was a loss.

Q. (By Trial Examiner McCarthy.) You received it back?

A. That is money that they turned back that they took in. There was no profit on the dance, it was a loss.

Q. Then you paid out some money for the expenses on it?

A. Yes, sir.

Q. How much did you spend?

A. That I don't know, that was up to the entertainment committee, the figure they had.

Q. Now, you testified that you have spent \$2,735.

A. The total expense has been \$2,735.08.

Q. Does that include the loss on the dance?

A. Absolutely, all of it is included in there, yes, sir.

Q. (By Mr. Wham.) How much did you take in on the dance?

A. I received \$197.05.

1301 Q. (By Mr. Reynolds.) The balance on March 5th was \$543?

A. \$543.66.

Q. (By Mr. Wham.) How do you account for that \$59?

A. How?

Q. How do you account for the other \$59?

A. There was \$50 assessed to Local No. 2 at Caldwell plant to start their union and \$9.64 that we paid out for fees for them which was returned to us, \$59.64.

Q. (By Mr. Reynolds.) Now, who asked you to solicit for the Independent Union?

A. Nobody asked me to solicit.

Q. How did you happen to solicit?

A. Because I sent out application cards.

Q. Well, you said you asked members to join?

A. I did, they signed the application cards.

Q. You must have gotten the cards from somebody, didn't you?

A. The cards were turned out by Mr. Linde.

Q. Did he give you any instructions about—

A. No, no instructions whatsoever.

Q. Did he tell you that you were to be careful and not let the boss see you?

A. I knew that myself without having to be told.

Q. He didn't tell you?

A. No, sir.

1302 Q. How many did you sign up?

A. That is pretty hard to tell in round figures.

Q. (By Mr. Wham.) Well, approximately?

A. Maybe 15 or 20.

Q. (By Mr. Reynolds.) How many of that 15 or 20 did you sign up during working hours?

A. Very few.

Q. Did you sign them on the plant premises?

A. No, sir, I did not.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Your books seem to balance, don't they, Mr. Rosenbaum?

A. They audited the secretary's books and my books, and both balance.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Kowatch.

JOHN J. KOWATCH, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) State your name.

A. John J. Kowatch.

1303 Q. And what is your address?

A. 4222 South Wells.

Q. Where do you work, Mr. Kowatch?

A. I work at the Link Belt, 39th street plant.

Q. Do you have an official position with the Independent Union?

A. I am vice president of Local No. 1.

Q. How long have you held that position?

A. Since the very first election.

Q. (By Trial Examiner McCarthy.) When was that, do you recall?

A. It was sometime in May, I don't recall exactly the date.

Q. Was this election—

A. At the first election, the first general election.

Q. Was that for the union or was it for the local, or was it for both?

Mr. Wham: What happened was—

Trial Examiner McCarthy: In other words they are practically identical. aren't they?

Mr. Wham: No, they are not. The local held an election, and in electing the local officers they elected three delegates to the General Council. All that has been testified to, and the minutes and everything, as of May 4th.

Q. (By Mr. Wham.) Were you active at all in the organization of the Independent Union?

1304 A. I was.

Q. What did you do?

A. Well, I solicited members, and I acted as vice president in the best interests of the union.

Q. Well, you were not vice president at that time?

A. No, no, not necessarily, that is right.

Q. Well, what did you do?

A. I just solicited memberships and tried to keep our total membership above par.

Q. Did you have one of these lists which has been testified to?

A. I did, I had a list and went around and got signatures.

Q. How many did you get?

A. I got anywhere from 100 to 250.

Q. What time of day with reference to working hours did you get them?

A. Well, I got some during working hours, I got some at the lunch hour, and before they came in to work.

Q. How many would you say that you got on company time; do you know?

A. About one-fourth.

Q. And were the supervisors around at that time?

A. No, I saw to that, that I was always in the clear. By that I mean that I watched where the bosses went; if they went one way I went the other way.

1305 Q. (By Trial Examiner McCarthy.) What job do you hold in the shop?

A. Pattern inspector and checker.

Q. What?

A. Pattern inspector and checker, which brings me practically all over the plant.

Q. (By Mr. Wham.) Now, Pete Solinko testified that Stanley Staske sent him out to see you, and that you came to see him then while he was working on his machine and asked him to sign up for the Independent, and told him that, "We want to find out how you stand, and the company wants to find out who it is going to keep on the job."

Do you remember any conversation of that kind, Mr. Kowatch?

A. I do not.

Q. Well, if it had happened, would you remember it?

A. If it would have happened I would most undoubtedly have remembered it, but it didn't happen.

Q. You say that it did not happen?

A. No, sir.

Q. What is your answer, that it did or did not?

A. My answer is that it is a lie.

Q. All right. Did you ever talk to Pete Solinko about the Independent Union?

A. I perhaps have, I have spoken to practically every man in the foundry; but from Adam I wouldn't know Solinko if he walked in that door.

Q. You probably took his application, didn't you?

A. I probably did. There are a lot of men I know by sight that I don't know by name.

Trial Examiner McCarthy: That is enough, just answer his question.

Q. (By Mr. Wham.) Now, Edward White testified that you solicited him and talked to him for twenty minutes in the center of the aisle during working hours.

Do you recall that conversation?

A. I never stopped twenty minutes to see any one man.

Q. How long was the longest time you talked to any one during working hours?

A. From two to three minutes.

Q. Do you recall talking to Edward White during working hours?

A. Yes, I talked to him a lot of times, not necessarily about union activities, more or less about his work.

Q. What did you say your work is?

A. Pattern inspector and checker.

Q. Does that require you to talk to some of the employees?

A. How?

Q. Does that require you to talk to some of the employees?

A. It certainly does.

1307 Q. In the course of your duties?

A. In the course of my duties, yes.

Q. (By Trial Examiner McCarthy.) What is the nature of your duties?

A. If they get a job out there and they find they have

the wrong hubs or anything like that, that go with the patterns, they call me out to rectify it.

Q. What do you check?

A. I check the pattern according to the order.

Q. That is a supervisory job, isn't it?

A. No, it is not.

Q. It is not a creative original job, you are supervising somebody else's work. If a man makes a mistake, it is up to you to check it?

A. No, I am the one that gets the blame for it when the job is done wrong.

Q. You don't actually do it, somebody else does it?

A. I check the pattern.

Q. Somebody does the work subject to your check?

A. They make the molds, absolutely, I have nothing to do with that.

Q. (By Mr. Wham.) You are a specialist, aren't you?

A. A what?

Q. How many are there of you in the pattern shop doing the same kind of work?

1308 A. I am all by myself.

Q. And you would be considered an expert on that subject, would you not?

A. It would be very agreeable with me if I were, but I must say I am not, I am full of mistakes.

Q. Just what do you do?

A. I have to call for the patterns, and when the patterns come from the pattern vault, it is up to me to check them and inspect them to see that they are in working condition so that we may get good castings from these patterns and that they jibe with the order.

Q. What inspection do you do; do you inspect the work of the men or do you inspect the patterns?

A. I inspect the patterns, I have nothing to do with the castings. They have inspectors for that. I inspect the patterns before they get in the sand.

Q. Now, John Thomas testified that you asked him to join "the company union," that you signed up many others, and he asked you what benefit he would get from the Independent Union and he said you said, "We want to try to keep the outside union out."

A. I don't believe I know John Thomas.

Q. Did you describe the Independent Union as a company union?

A. I did not.

1309 Q. What is the reason that you helped organize the Independent Union?

A. Well, the Wagner Act was made constitutional by the Supreme Court. It was a case of getting a union, and why have outside people in our affairs when we can take care of them ourselves.

Q. Now, he also testified that you talked to him again the next day and told him if he did not join the Independent—or rather, if he joined the Independent that he would be sure of having a steady job.

Do you remember that conversation?

A. No, I said no such thing to anybody. How do I know but what I was not going to be fired the next day or laid off.

Q. Did you ever have any understanding with the company that an Independent man would be more sure of his job than others?

A. I did not.

Q. (By Trial Examiner McCarthy.) How long have you been with the company?

A. It will be 16 years this July or June.

Q. (By Mr. Wham.) Now, Paul Bozurich testified that you asked him to join the Independent Union in the plant, and then about that same afternoon you waited for him at the entrance and had a booklet with his name in 1310 it with the statement "Signed by refused to pay," and asked him to take the booklet and pay his first month's dues, and told him it would be for his own benefit.

A. I never waited for anybody before or after working hours.

Q. Well, do you recall any such conversation?

A. Well, I have spoken to everyone in the plant, for that matter.

Q. (By Trial Examiner McCarthy.) Did you have a book with that statement in it?

A. Well, that book may be a dues book.

Q. Yes.

A. That is possible.

Q. Which stated "Signed but refused to pay," is that correct?

A. That is possible.

Q. (By Mr. Wham.) Well, is it probable?

A. Very probable.

Q. Do you recall talking to Paul Bozurich and trying to get him to take a membership book?

A. I spoke to Paul Bozurich once or twice and asked him whether he would join up with us, that is all.

Q. Did he ever have a membership book?

A. No, not that I recall.

Q. (By Trial Examiner McCarthy.) As I understand he would not be entitled to a membership book unless he paid his 50 cents?

A. He would be given a membership book to show that he paid.

Q. After he paid the 50 cents?

A. He would not get a membership book until he had paid.

Q. (By Mr. Wham.) Did you make out any books for any one before they were signed up?

A. I did not make out any books, they were made by the secretary.

Q. Do you know whether any books were made for any employees who had not already signed applications?

A. I don't believe so, because these books were made from the application cards.

Q. Now, George Lackhouse testified that you came in where he was working and asked him to join the Independent; and the steel cleaning department was only working eight hours a day at that time, and he wanted to know how come because the other departments were working nine hours, and you told him that there were 65 men in that department and only 9 of them belonged to the Independent, and that was the reason for it?

A. I never said any such thing.

Q. Did you have any conversation with him at all?

A. We had an argument at one time, not referring to the union, and that was in regard to money, N. R. A. rates, that were taken away from us when the depression came in 1931, whether we ever got anything back. He said that we did not, and I said we did, and I said that I will go on record to prove that we got back 21 per cent more than was taken away from us.

Q. That is the only conversation?

A. That is the only conversation with George Lackhouse.

Q. You had no such conversation as outlined in my question?

A. No, sir.

Q. Is it a fact that that department was on an 8-hour day while the rest of the plant was working 9 hours?

A. That may be possible.

Q. How is it possible?

A. It depends on how much work they have. They can't run 9 hours if they can clean up in 8 hours.

Q. Do you know whether or not they were running 9 hours three weeks later?

A. That I don't know.

Q. Now, Stanley Balcauski testified that you approached him and said, "Don't be foolish and go with the C. I. O.; you are a pretty smart fellow, why should you care for the other man, why work like that. Don't be a sucker."

Do you recall any such conversation?

A. I don't remember any such conversation like 1313 that. He talked to me as much as I talked to him.

Q. Where was that?

A. On company time, right in the work.

Q. Which one approached the other?

A. What was the question?

Q. Which one approached the other?

A. We were pro and con for about a week.

Q. Stanley Balcauski is a molder?

A. No, he is a core maker.

Q. (By Trial Examiner McCarthy.) Your position takes you around the plant.

A. This particular incident, he come up to the pattern floor to get core boxes, and in the meantime, of course, we got in this conversation.

Q. (By Mr. Wham.) Were you ever approached by the C. I. O. to sign up in the C. I. O.?

A. I believe I was—I dare say I was about one of the first ones Mr. Salmons tried to get.

Q. When was that?

A. I was still at the south end of the foundry, a casting inspector at that time.

Q. When was that?

A. Before he was laid off, before he was fired.

Q. In 1936?

A. Yes, sir.

1314 Q. (By Mr. Wham.) With reference to working hours, when was it?

A. It was right during the forenoon.

Q. And during working hours?

A. During working hours, yes.

Q. How long did that conversation take?

A. Oh, maybe twenty minutes, half an hour.

Q. I thought you said you never talked to anybody for twenty minutes?

A. I did not go around talking to anybody, that was at the time that we took up the solicitations, but this was way before that.

Q. You arranged for the Independent Union bulletin boards?

A. I did.

Q. Tell us about that.

A. Well, Mr. Litster and Mr. Froling asked me to get bulletin boards made, and I took it upon myself to get them made. I went over to the pattern shop and asked the pattern foreman to get me the lumber and have them cut out, and I put through a personal requisition and paid for that material.

Q. Did you get paid?

A. It was paid, yes.

Q. Did you pay the company?

A. I paid the company.

Mr. Wham: That is all.

1315

Cross-Examination.

Q. (By Mr. Reynolds.) Did you pay for the material and labor?

A. Material and labor, for cutting them out. It took about ten minutes to cut out the boards. There was no fancy trimming on them, just plain board.

Q. Referring again to this conversation with Mr. White, do you remember that Mr. White asked you whether you had punched your time out?

A. I don't recall any such thing.

Q. Don't you remember that you told him that you had punched your time out?

A. I don't remember that.

Q. And he asked you if you had punched his time out?

A. No.

Q. What is the fact about that, did you punch your time out when you did your solicitation?

A. I did one time. I daresay I was short ten hours on my pay that week, that I sacrificed for the Independent Union.

Q. You did one time?

A. That was done two times.

Q. Then you punched out twice?

A. Yes, sir.

Q. Did you ask the foreman if you could leave your job and punch out your time?

1316 A. Sure.

Q. (By Trial Examiner McCarthy.) How much an hour were you getting at that time?

A. I was getting 90 cents.

Q. 90 cents, and you gave about ten hours work?

A. I gave about ten hours of my time.

Q. (By Mr. Reynolds.) Did the foreman say anything to you about your absence from your job during that ten hours?

A. He asked me where I was, and I told him I was away on business.

Q. Away on business. You were in the plant?

A. All right, if he didn't see me, he didn't know.

Q. He didn't see you any time during the ten hours?

A. Perhaps he was not in the plant himself.

Q. I am asking whether he saw you?

A. I don't know whether he saw me, I didn't see him.

Trial Examiner McCarthy: Just say so, that you don't know.

A. All right, I don't know whether he saw me.

Mr. Wham: Just answer the question.

Q. (By Mr. Reynolds.) Did you urge the men to sign, did you urge them very much if they didn't want to?

A. I did not, I did not, I just asked if they wanted to sign, and if they did not, I walked away. That was all the coercion I used, I left it entirely to their discretion.

1317 Q. Did you say that you spoke to practically every man in the plant?

A. No, in the foundry.

Q. How many were there in the foundry, about 300?

A. About 300, yes.

Q. How long do you suppose you averaged with each man?

A. A couple of minutes.

Q. A couple of minutes?

A. Yes. All I asked them was whether they wanted to join or not, and if they didn't I walked to the next one.

Q. No foreman ever told you about solicitation on company time?

A. No, they had no reason to.

Q. Did you ever have any instructions from any foreman or supervisor about activity for the union on company premises?

A. No. I heard it from other fellows, but not directly.

Q. Was there ever any bulletin or sign put up in regard to that matter?

A. Not that I recall.

Q. You solicited only in the foundry?

A. Only in the foundry.

Q. You signed up about half of the men in the foundry?

A. I signed up between 100 and 150.

Q. And the other 100 or 150 turned you down?

A. Some turned me down, others said they would
1318 think it over, others said they belonged to the C. I. O.
already.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: We will take a five minute recess.

(A short recess was taken.)

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Kowatch, did Mr. Litster and Mr. Froling tell you how many bulletin boards to have made?

A. They told me to get about five, five or six. Well, we had eight of them made.

Q. Did they tell you what kind of bulletin boards to make?

A. No, just a plain piece of board that we can post our notices on.

Q. What kind of board was it that you got?

A. Plywood.

Q. Plywood?

A. Yes.

Q. Was it painted?

A. We painted it.

Q. Did it have any molding around it?

A. No, no fancy trimming of any kind, just rounded off on one end to show which was the top and the bottom.

Q. Did either Mr. Froling or Mr. Litster tell you where to get the bulletin boards?

A. He did not, just to get them.

1319 Q. Was there an understanding between you and Mr. Litster and Mr. Froling where you were to get the bulletin boards?

A. No, sir, they didn't know where I was going to get them until they had them in their hands.

Q. Who did you see of the company about getting the bulletin boards?

A. The foreman of the pattern shop.

Q. What is his name?

A. Fred Carlson.

Q. What did you tell Carlson?

A. I told him I wanted some bulletin boards made for myself, just plain boards. I just told him boards and gave him the size.

Q. (By Trial Examiner McCarthy.) They were just a piece of plywood rounded off, is that what they were?

A. They were made about 14 to 16 inches wide and 18 to 20 inches long, rounded off on one end.

Q. (By Mr. Seyfarth.) How much did you pay for them?

A. \$1.43.

Q. You paid that out of your own pocket?

A. That was taken out of my pay when the requisition went through in the regular way.

Q. Was that the ordinary practice whenever any employee wanted some work done in the plant?

A. Absolutely, you sent through a personal requisition.

1320 Q. Did you sign a personal requisition?

A. I did.

Q. Have you got a copy of it?

A. I have not.

Q. Have you got a receipt from the union for your reimbursement?

A. I have.

Q. Where is that now?

A. In the hands of the secretary.

Q. (By Mr. Wham.) Mr. Friberg?

Q. (By Mr. Seyfarth.) Mr. Friberg?

A. Either Friberg or Rosenbaum has them, I don't know who keeps the receipts or the bills.

Q. What was that amount?

A. \$1.43.

Q. Do you know how long it took to make these bulletin boards?

A. I would say at the most about 15 minutes.

Q. What was the thickness of the plywood?

A. It was either one-half inch or five-eighths.

Trial Examiner McCarthy: Is this material?

Mr. Seyfarth: I think it is material to show—

Trial Examiner McCarthy: It shows very clearly, I think, that it was just a plain plywood board. I thought at

first that they had a glass front or something. It
1321 seems to me that it is rather trivial.

Mr. Seyfarth: I think this whole subject of bulletin boards is trivial.

Q. (By Mr. Seyfarth.) Now, is it a part of your duties to give orders to the various men in the foundry?

A. No, sir, I am not in a supervisory capacity.

Q. Have you any power whatsoever to order men to go places or perform certain tasks?

A. No, sir.

Q. I take it that your duties are confined solely to inspecting the patterns when you get them from the pattern vault?

A. Correct.

Q. And then take them to the men?

A. Take them to the men?

Q. Do you take them to the men?

A. No, they come and get them.

Q. The men come and get them?

A. The foreman gives out the jobs, and they get the patterns for them.

Q. The foreman tells the men what to do?

A. What job comes first, yes.

Q. And then the men go to the pattern vault?

A. No, no. According to the orders they are brought
1322 over from the pattern vault to the foundry, what we classify as our hub room.

Q. Hub room?

A. Yes, the hub room. They are brought there and they are set to one side, and some of them are piled up. Then it is up to me to inspect them and check them, and to put tag orders on them, and the molder foreman comes along and he distributes the jobs to the different men.

Q. If you make a mistake in inspecting the patterns it might cause the men to make a poor quality product, is that right?

A. That is correct.

Q. You and the men are more or less engaged in a co-operative effect in turning out a product which is a good product?

A. Absolutely.

Q. Now, when was your conversation with Stanley Balcauski?

A. I can be explicit on that because I remember the date of my wedding anniversary, which happened to be the 14th day of May, 1937.

Q. How long did that conversation with Balcauski take place?

A. He and I were arguing back and forth all day from morning until night, pro and con. He was giving me his side and I was giving him my side.

Q. That was during working hours?

1323 A. That was during working hours, even during lunch hour. It didn't cease until we went home that night.

Q. That was a rather protracted argument?

A. It was.

Q. You don't mean to tell me that a C. I. O. man argued with you about the C. I. O. on company time and on company property, do you?

A. Just as much as any Independent man did.

Q. Now, there was some testimony here, given by Paul Bozurich, to the effect that you and Russell Erickson asked him for dues on the 26th and 27th of April.

Do you remember any such conversation?

A. I don't.

Q. Were you ever with Russell Erickson soliciting membership in the Independent Union?

A. No, sir.

Q. Did you work alone or work with somebody?

A. I was a lone wolf.

Q. Just a minute. Do you know Louis Speigel?

A. Louis Speigel, yes, I know him.

Q. Bozurich said that Louis Speigel was present at that time.

A. I don't recall any such time.

Q. Do you recollect Louis Speigel being present at any time when you talked to Paul Bozurich?

1324 A. No.

Mr. Seyfarth: That is all.

Further Cross-Examination.

Q. (By Mr. Reynolds.) You say you were alone most of the time when you were solociting memberships. Who was with you on the other occasions?

A. Perhaps some of the boys throughout the plant that would happen to be standing alongside of the man that I approached. That would be the only time.

Q. Do you remember whether Russell Erickson was ever along with you?

A. No, sir, I do not.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Kresge.

RALPH C. KRESGE, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Ralph C. Kresge.

Q. And where do you live?

A. 7628 Loomis Avenue, Chicago.

Q. Where do you work?

1325 A. Link Belt Company.

Q. In what department?

A. Supervisor of motion and time studies.

Trial Examiner McCarthy: What is that question?

The Witness: Supervisor of motion and time studies..

Mr. Wham: Read that question, please.

(Question read.)

Q. (By Mr. Wham.) What does that mean, motion and time studies?

A. That is, observing certain motions and time studies, in order to set piecework rates, in order to set an incentive rate.

Q. Do you have any position in the Independent Union?

A. No, I do not.

Q. In April and May, 1937, what did you do?

A. I was production clerk.

Q. (By Trial Examiner McCarthy.) What?

A. Production clerk.

Q. (By Mr. Wham.) Did you attend any meetings of the Independent Union?

A. Two of them.

Q. When were they?

A. Well, it was the first one they ever held, and the second one.

Q. The first one was April 22nd, and the second 1326 one was what time?

A. Sometime in May, I don't remember.

Q. It was the meeting in which they held the election, May 4th?

A. It was the meeting at which they held the election. I attended that one and I attended one previous to that.

Q. Did you take any official part in the election?

A. I believe I was in charge of the election, I presided.

Q. You were chairman?

A. I was chairman.

Q. Have you been active since that time in the Independent Union?

A. I have not.

Q. Are you still a member?

A. No, sir, I am not.

Q. When did you withdraw?

A. June 1, 1937.

Q. What caused that?

A. I was elevated to the position of supervisor, in a supervisory capacity.

Q. Now, Frank Solinko testified that Russell Erickson and you came up to him and said, "We have heard that you signed an affidavit for the C. I. O.," and asked you to get the affidavit, and told him if he would sign up with the Independent Union he would not be laid off as 1327 soon as if he belonged to the C. I. O.

Do you recall any such conversation?

A. Which was supposed to have told him, Russell Erickson or myself?

Q. I was not here when the testimony was given, but my notes show both were there.

A. I didn't hear any such conversation, no conversation of that kind.

Q. Did you and Russell Erickson talk to him at any time?

A. We did.

Q. What was the conversation?

A. As far as I can remember, he said he signed an affidavit, I merely asked him to get it. That is all I asked him at that time. I merely asked him to bring in the affidavit that he had signed. That is the only talk I had with the gentleman.

Q. Did he ever bring it in?

A. He did not.

Q. Where was this conversation?

A. In the foundry.

Q. With reference to working hours when was it?

A. Well, it was sometime in the forenoon.

Q. During working hours?

A. It was.

Q. How long did that conversation take?

1328 A. In my end it took about two minutes.

Q. Stanley Balcauski testified that you asked him to join the Independent Union and that you were going around asking every employee to join.

What is the fact about that?

A. I don't know the gentleman, I wouldn't know him right now if he walked in the room.

Q. (By Trial Examiner McCarthy.) Did you solicit?

A. I solicited, yes, sir.

Q. With reference to working hours, when did you solicit?

A. Any time during the day.

Q. Some of them were on company time, were they?

A. That is correct, and some on my own time.

Q. How many would you say you took on company time?

A. I don't have any idea how many I signed up—in fact, I didn't sign up any.

Q. What is that?

A. I didn't sign any up.

Q. You didn't sign anybody?

A. No, sir.

Q. At any time?

A. No, sir.

Q. You just tried to get them to sign?

A. Merely gave them the card and told them to take it home and bring it back and give it to me. That was my procedure.

1329 Q. Did you ever circulate a list, that is, a paper of legal size?

A. I never had a list in my possession, never circulated one.

Q. These were application cards?

A. These were application cards, the only thing I had.

Q. Were you active in the organization when they started off with this list?

A. No, sir, I was not.

Q. (By Mr. Wham.) When you got the application cards you just handed them out and told them to sign them and bring them back?

A. Take them home and sign them and bring them back.

Q. Did you carry on any conversation with them when you handed them the cards?

A. No, sir.

Q. What did you do with the cards?

A. Well, they were turned in to me the next morning and I signed my name on them.

Q. (By Trial Examiner McCarthy.) Then you did sign up members?

A. But they did not sign in my presence.

Q. (By Mr. Wham.) Did any foreman or supervisor see you doing that?

A. I was caught one day talking to an individual.
1330 I was reprimanded for it.

Q. Who was that?

A. My boss, Mr. Skeets. I was informed the next time it would be just too bad for me.

Q. What were you talking to this other individual about?

A. I happened to have one of the cards in my hand at the time. Of course, I tried to make it a point at any time that I was soliciting that he was in the office. At this time he got out of the office faster than I expected he would.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Anybody besides Mr. Skeets ever say anything to you?

A. No, sir.

Q. How many men would you say approached you and asked you for cards to sign?

A. I would not say any.

Q. They did not bowl you over in their eagerness to sign, is that right?

A. No? I would not say that they did.

Q. Now, how did it come to your attention that Frank Solinko had signed an affidavit?

A. I don't remember any incident relating to it at the present time. That is a long time ago.

1331 Q. You remember that you asked him to bring one in, don't you?

A. I told you that.

Q. You don't remember where you got that information?

A. No, I don't.

Q. Did you notice other employees soliciting for the Independent Union on company time besides yourself?

A. Do I know of it or did I know of any?

Q. Did you know of any?

A. I knew all of them.

Q. How many did that as far as you know?

A. I don't know.

Q. Would you say that they all solicited on company time, all that solicited did solicit on company time?

A. I wouldn't say that either, because I was not interested as far as anybody else's soliciting outside of myself is concerned.

Q. Well, you saw some of the others soliciting, though, didn't you?

A. No, I did not.

Q. Who asked you to solicit for the union?

A. Nobody.

Q. Nobody?

A. Nobody.

Q. (By Trial Examiner McCarthy.) Where did 1332 you get the cards?

A. I couldn't tell you where I got them.

Q. (By Mr. Reynolds.) Did you ever see anybody soliciting members in the C. I. O.?

A. No, I did not. I saw some of their members talking to individuals, but what they were talking about, I don't know.

Q. You never saw a card signed?

A. I never saw a card signed.

Mr. Reynolds: That is all.

Mr. Seyfarth: That is all.

Mr. Wham: Just a minute.

Redirect Examination.

Q. (By Mr. Wham.) You passed out the application cards and not the list, is that right?

A. That is correct.

Q. And that was after the lists had been filled?

A. Yes, sir.

Q. You don't know whether there was a rush to sign the lists or not?

A. No, I don't. I had nothing to do as far as any lists were concerned.

Q. What had you heard concerning this affidavit by Paul Bozurich?

A. I heard all I heard from him. I don't know who Paul Bozurich was telling about it.

1333 Mr. Wham: That is all.

Mr. Reynolds: Just one more question.

Recross Examination.

Q. (By Mr. Reynolds.) Do you remember exactly what Mr. Skeets said to you when he reprimanded you?

A. No, I don't, it was enough to put me on my guard to protect my position at that time.

Q. Did you feel that you had a right to solicit during the noon, the lunch hour, and before and after work?

A. I thought I had a right to do it after work, it was on my own time.

Q. Do you remember whether Mr. Skeets told you that you could not do it on the plant and premises?

A. I don't remember.

Mr. Reynolds: That is all.

Mr. Wham: That is all.

(Witness excused.)

Mr. Wham: Mr. Greenlee.

WILLIAM J. GREENLEE, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) State your name.

A. William J. Greenlee.

1334 Q. Where do you live?

A. 7601 Yates avenue.

Q. Chicago?

A. Chicago.

Q. Where do you work?

A. I work for the Link Belt Company.

Q. In what department?

A. In the planning room, production department.

Q. How long have you worked for that company?

A. Twenty-five years.

Q. Mr. Frank Lackhouse testified that you got a paper

from him, that is, one of these lists for the Independent Union.

Do you recall whether or not that is a fact?

A. Yes, I did.

Q. What time of the day was it that you got it?

A. Well, it was after the whistle had blew, it was after working hours.

Q. Harry Johnson testified that you went around the plant signing up employees with a sheet of paper; and he saw you approach an employee by the name of Bluett, a turret lathe operator in the machine shop; and Frank Val, an inspector at the south end.

What is your recollection of that?

A. I never signed either one of those. I never asked either one of them to sign a paper or anything else, 1335 either one.

Q. (By Trial Examiner McCarthy.) But you did do some soliciting?

A. Yes, I did. I never spoke to either one of them about the union at all.

Q. (By Mr. Wham.) How much soliciting did you do?

A. Well, I probably got about 60 or 70 names on the list.

Q. And with reference to working hours; what time of day was that?

A. I got most of them in the morning and during dinner time.

Q. That is, at noon?

A. At noontime, yes.

Q. In the morning, you mean before work?

A. Before work, yes.

Q. Did you get any on company time?

A. I may have got one or two, but that is all.

Q. Do you recall who they were?

A. Well, as I got their names—

Q. I mean, on company time?

A. Yes, I knew who I got.

Q. Who?

A. Well, I got a fellow down in the chipping room and one in the planning room.

Q. Did you ask—

1336 Q. (By Trial Examiner McCarthy.) What were their names?

A. The fellow in the planning room was Van Bampus.

Q. (By Mr. Wham.) Van Bampus?

A. Yes, he works in the office.

Q. And who was the other one?

A. I don't recall who the other one was.

Q. Was it Louis Salmons?

A. No, no.

Q. Well, Louis testified that you took his application?

A. I took his application?

Q. Yes, on company time.

A. No, I didn't. I asked him to sign.

Q. I will withdraw that. I mean you asked him to sign.

A. Yes, yes.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) You asked him to sign on company time?

A. That is it.

Q. That makes three men you asked to sign on company time?

A. Yes.

Q. There might have been more?

A. No, there was not any more.

Q. Did you have any instructions about when you were to do the soliciting?

1337 A. No, I didn't, I knew that much.

Q. Mr. Linde never said anything to you about it?

A. No, he never told me what I had to do it.

Q. Did any foreman say anything to you?

A. No, I always took good care that there was no foreman around when I did it. In fact, I didn't have much time to do it.

Q. But you were able to get 60 or 70 names?

A. Yes. That was on my own time.

Q. Did you ask all of these 60 or 70 men to sign?

A. I asked them to sign. I asked them if they would sign. I asked them to read the list and if they thought they wanted to sign, O. K.; if they didn't, O. K.

Q. Did other men approach you and ask to sign cards?

A. They did after the application cards—I had quite a few ask me for cards.

Q. (By Trial Examiner McCarthy.) Do you mean the cards or the list?

A. Asked me for the cards.

Q. You had both?

A. I had some of the cards.

Q. In other words—

A. First, it was a list, I should say.

Q. You worked with a list first and then you worked with cards?

1338 A. Yes, sir.

Q. (By Mr. Reynolds.) You were asking all the men to sign the list?

A. Yes, I was, that I thought—that I could get in contact with, sure.

Q. When you were circulating the list that was on company time, was it?

A. No.

Q. When was it circulated?

A. I circulated it in the morning, at noon time, after hours when I could get off and they come out of there, I did it then.

Q. It was the same with respect to the cards, you did that the same way?

A. I didn't circulate the cards so much, only I had some in my office, and when different men asked for a card I would give them a card and they would be turned back to me the next day or two or three days afterward.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Did you have any understanding with anybody in the supervisory force of the Link Belt Company about circulating either the petitions or the application cards?

A. No.

1339 Trial Examiner McCarthy: I wonder if we can't stipulate to that question being addressed to each witness and that the reply will be in the negative. Is that correct?

Mr. Seyfarth: I don't want to stultify myself on that point, if the Examiner please.

Mr. Reynolds: I would not want to stipulate to that.

Trial Examiner McCarthy: You know that in 90 cases out of a hundred the answer will be that.

Mr. Reynolds: It probably will, but I will not stipulate that that is the testimony.

Mr. Wham: What is the suggestion, Mr. Examiner?

Trial Examiner McCarthy: As to whether any supervisor authorized any witness to solicit on company time.

Mr. Seyfarth: I would rather ask questions on that.

Q. (By Mr. Seyfarth.) Do you say whenever you did any soliciting you were sure there was no foreman around?

A. Yes, but I talked to very few of them during working hours.

Q. Why did you make certain there was no foreman around when you talked to them, Mr. Greenlee?

A. I had been working in there long enough to know that I am not to interfere with the men in doing their work.

Q. You knew that without being told?

A. Absolutely.

Mr. Seyfarth: That is all.

1340 Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Balton.

WALTER BALTON a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) State your name.

A. Walter Balton.

Q. Where do you live?

A. 4442 South Homan avenue.

Q. Chicago?

A. Chicago.

Q. Where do you work?

A. Link Belt Company.

Q. Are you a steward in the Independent Union?

A. I am.

Q. How long have you held that position?

A. Since the last election, when the officers were elected.

Q. Back in May?

A. In May, I guess it was.

Q. Of what department are you a steward?

A. In the foundry.

Q. Now, Frank Lackhouse testified that you collected dues on company time with the foreman ten feet away. Who is your foreman?

A. At the present time it is Mr. Olson.

Q. At that time who was it?

A. Well—

Q. I mean before Mr. Olson who was it?

A. Well, his first name was Andy, I don't know his last name.

Q. Masilione?

A. No, he was never my foreman.

Q. What is the fact about when you collected dues?

A. Well, I collected dues—most of the dues were outside of the company time, but occasionally for my convenience I did collect on company time.

Q. Any foreman around to see you do that?

A. Not that I know of.

Mr. Wham: That is all.

Mr. Reynolds: No questions.

Mr. Seyfarth: No questions.

Trial Examiner McCarthy: No questions. That is all.

(Witness excused.)

Mr. Wham: Mr. Bailey.

JOHN W. BAILEY a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

1342

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. John W. Bailey.

Q. Where do you live?

A. 8227 South Ashland avenue.

Q. Chicago?

A. Chicago.

Q. Where do you work?

A. Link Belt.

Q. Are you a member of the Independent Union?

A. I am.

Trial Examiner McCarthy: Answer that so the reporter can hear you.

A. I am.

Q. (By Mr. Wham.) Do you hold any position with it?

A. No, I don't.

Q. (By Trial Examiner McCarthy.) What work do you do?

A. Steel shop routing clerk.

Q. (By Mr. Wham.) Do you recall a conversation with Fred Johnson concerning the Independent Union?

A. Well, it was indirectly that, we were talking about something on the outside. Of course, everything down there at that time was hot about unions, so it directed itself into the union.

Fred says, "Why don't you get on the right side?"

1343 I says, "I am on the right side."

Then things went along and I told Fred he could

not join into our union unless he got an affidavit from the C. I. O. relieving him from his duties in the C. I. O. That is all.

Q. You didn't tell him it would be impossible for him to join the Independent?

A. No, the only thing I told him, he would have to get an affidavit signed.

Q. Now, Donald Sullivan testified that you talked to him for 25 or 30 minutes about joining the Independent Union.

A. How long?

Q. 25 or 30 minutes.

A. I don't think—

Q. What?

A. I don't think I could go out of the office that long because if I did there would be four or five men standing by my desk.

Q. Let me ask you: did you ever talk to Donald Sullivan about joining the Independent Union?

A. I have spoken to Don, as he has spoken to me about joining the C. I. O.

Q. Do you recall this conversation that he had reference to? Do you recall any such conversation 25 or 30 minutes long?

1344 A. I recall I was out there at one time.

Q. Out where?

A. Out at his bench and when I did I took a drawing at the time so the foreman would not know what I was going out there for.

Q. You spoke to him about joining the Independent?

A. Yes. He spoke about joining the C. I. O. and I spoke to him about joining the Independent.

Q. How did you happen to go out there?

A. I started—Don had a job, and he used a wrong part, and I was out there, and when everything was fixed up on the point of business and the error corrected, the talk led to the union.

Q. How long did that conversation take then?

A. I wouldn't say it took any more than five or fifteen minutes.

Q. How much?

A. Five or fifteen minutes at the most because I had to get back to my office again, because I would have men in there waiting for me.

Q. You mean including the time you talked about business?

A. Yes, sir.

Q. How much of the time did you talk about the two unions?

A. I wouldn't say it would be any more than five minutes.

Q. Who started the conversations about the unions?

1345 A. Well, I wouldn't recall now.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Didn't you say that you went up there with a pattern so that the foreman would not know why you went there?

A. Yes, sir.

Q. Isn't it a fair inference then that you started the conversation about the unions when you got there?

A. No.

Q. You went out for that purpose, didn't you?

A. I will tell you the truth, perhaps it will put me in bad, the reason I took the drawing with me I went out to the washroom to get a smoke.

Q. (By Trial Examiner McCarthy.) Was this just a conversation between two employees?

A. Yes.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Your conversation with Fred Johnson was on company time?

A. Yes, it was.

Q. What time of day or night did that take place?

A. About fifteen minutes to twelve, just before the noon hour.

1346 Q. Where did that take place?

A. That took place in the cafeteria.

Q. In the cafeteria?

A. Yes, sir.

Q. Then the whistle had blown?

A. Yes, sir.

Q. Did Fred Johnson talk to you about the C. I. O.?

A. Yes, sir.

Q. And you talked to him about the Independent?

A. Yes, sir.

Q. Now, your conversation with Donald Sullivan took place on company time, did it not?

A. Yes, sir.

Q. And he talked to you about the C. I. O.?

A. Yes, sir.

Q. And you talked to him about the Independent?

A. Yes, sir.

Mr. Seyfarth: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: May we have a few minutes recess?

Trial Examiner McCarthy: We will take a five minute recess.

(A short recess was taken.)

1347 Trial Examiner McCarthy: Proceed.

Mr. Wham: Russell Erickson.

RUSSELL PAUL ERICKSON, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Russell Paul Erickson.

Q. Where do you live?

A. 650 West 63rd Street.

Q. Chicago?

A. Yes, sir.

Q. Where do you work?

A. Link Belt Company.

Q. What department?

A. Foundry.

Q. (By Trial Examiner McCarthy.) What are your duties, Mr. Erickson?

A. Timekeeper.

Q. (By Mr. Wham.) Are you a member of the Independent Union?

A. Yes, sir.

Trial Examiner McCarthy: Keep your voice up so the reporter can hear you.

The Witness: Yes, sir.

1348 Q. (By Mr. Wham.) Frank Solinko testified that you and Kresge went to him on company time to get an affidavit which he had signed with the C. I. O.

Do you remember that incident?

A. Yes, sir.

Q. What do you recollect about it?

A. Well, just that Kresge and I asked that he get—if he would get the affidavit back.

Q. (By Trial Examiner McCarthy.) What was the affidavit?

A. That I threatened something to him to join the Independent Union.

Q. That you had threatened him?

A. Yes.

Q. Who had made the affidavit?

A. I think Paul Bozurich.

Q. (By Mr. Wham.) No, Frank Solinko made the affidavit.

A. Yes.

Q. (By Trial Examiner McCarthy.) Where does Paul Bozurich come in on it?

A. I think Frank Solinko went and talked to him about it.

Q. (By Mr. Wham.) You may have heard of it through Paul Bozurich, is that right?

A. Yes, sir.

Q. Did you ever say to him or did Kresge say to him, if you sign up with the Independent you will not be laid
1349 off as soon as you would if you were a member of the

C. I. O.?

A. No, sir.

Q. Edward White testified that you talked to a man next to him during working hours. Do you recall that?

A. No, sir.

Q. I mean, concerning the Independent Union?

A. No, sir.

Q. Did you solicit for the Independent Union?

A. No, sir.

Q. (By Trial Examiner McCarthy.) You say you did not solicit?

A. No, I did not solicit.

Q. What do you call soliciting? Did you distribute any of the cards?

A. No, sir.

Q. Sign up anybody?

A. No, sir.

Q. (By Mr. Wham.) Paul Bozurich testified that you and John Kowatch asked him to pay dues, and that he had a narrow piece of paper with the employees' check numbers

on it, and said, "If you know what is good for you, you had better sign."

Do you remember that?

A. No, sir.

Q. Did you ever approach Paul Bozurich to pay 1350 dues or to join the Independent Union?

A. I never did.

Q. Now, he also testified that you were present at the first meeting of the Independent Union on April 22nd, and that after the meeting adjourned, because of the tremendous confusion, and so forth, in the voting, that you said, "What a vote, what a vote."

Did you make any statement like that?

A. No, sir, I don't recall making any statement like that.

Q. Well, what did you observe about the voting?

A. I didn't say anything about the voting at all; it was just that the majority voted for it, that is all I can remember.

Trial Examiner McCarthy: Keep your voice up, please.

Q. (By Mr. Wham.) Paul Bozurich also testified that along about the 1st of June you insisted that he pay 50 cents to join the Independent Union, and he said, "What is the big idea, going around the plant and having us employees to sign when they don't want the union, the company?"

And you said, "What does the company care what people think? It is the company gives us our jobs; not the Labor Board."

Do you remember any such conversation?

A. No, sir, I didn't say anything like that.

Mr. Wham: That is all.

Q. (By Mr. Reynolds.) Do you remember that incident at all?

A. No, sir.

Q. You never said anything to Paul Bozurich about the company's attitude towards the union?

A. No, sir.

Q. (By Trial Examiner McCarthy.) Didn't you take part in union activities on either one side or the other?

A. No, sir.

Q. Everybody in the plant seemed to be interested, weren't you interested?

A. I didn't take any part in it.

Q. You were interested in it?

A. Yes, I was interested in it.

Q. (By Mr. Wham.) You were a member?

A. Yes, I was a member.

Q. (By Mr. Reynolds.) When did you first sign?

A. That was just about when they first started up.

Q. Who asked you to sign?

A. I believe it was Mr. Kresge.

Q. What were the circumstances of that? Where did he ask you?

A. It was in the office.

Q. While you were working?

1352 A. I don't recall whether it was while I was working or during lunch hour.

Q. (By Trial Examiner McCarthy.) Do you stay in the office during lunch hour?

A. Yes, sir, I eat my lunch in there.

Q. (By Mr. Reynolds.) Did you assist any of those who were soliciting names on this first list in any way?

A. No, sir.

Q. You never prepared a list of the check numbers that could be used?

A. No, sir.

Q. You didn't take a list of check numbers out yourself and talk to the men about the Independent Union?

A. No, sir.

Q. Now, on that first meeting of the Independent Union do you remember that Paul Bozurich said to you, "What a vote, what a vote"?

A. No, sir, I don't remember that.

Q. Do you remember that he was there?

A. Yes, I remember Paul Bozurich.

Q. Do you remember any part that he took in the meeting?

A. Well, he did make a speech.

Q. What did he say?

A. I can't recall that.

Q. What do you remember about it?

1353 A. I can't just think of that.

Q. Did he ask questions of the chairman?

A. Yes, he asked questions, but I don't know what they were, I have forgotten them.

Q. Would you say that his conduct was unruly?

A. Well, in his speech it was, sort of, it sounded like it anyway.

Q. What did he say?

A. I don't remember what it was that he said, I remember his actions though.

Q. You remember his answers?

A. His actions.

Q. His actions. What were his actions?

A. It seemed like he was flying off the handle.

Q. You mean that he spoke in a loud tone of voice?

A. Yes.

Q. (By Trial Examiner McCarthy.) Excited?

A. Yes, excited.

Q. (By Mr. Reynolds.) Now, what was the conversation between you and Kresge and Frank Solinko?

A. It was just that Kresge wanted Mr. Solinko to get the affidavit back.

Q. Why did you go out there with Kresge?

A. Because it was my statement that was the reason for the affidavit; that is what they say; that I had
1354 threatened him that if he did not join the Independent he would be laid off. But that was not true.

Q. Had you ever spoken to Frank Solinko before about the Independent Union?

A. No.

Q. You did not know him before that time you went out there?

A. Oh, I knew him. I am timekeeper and I know all the fellows.

Q. He started there just a short time before, didn't he?

A. I believe so.

Q. Did you have any conversation with Solinko about whether you did ask him to join the Independent while you were there?

A. No, sir.

Q. Did he say anything about it?

A. No, sir.

Q. You didn't say a word?

A. No, I didn't say anything to him.

Q. Kresge asked him the one question, that is all there was to it?

A. That is all there was to it.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Erickson, had you heard that Mr. Solinko had made an affidavit against you 1355 before you went to see him?

A. Yes, sir.

Q. Do you remember who told you that?

A. I can't say who said it, I just heard it.

Q. Did you ask Kresge to go with you to see Solinko?

A. Yes.

Q. Or did Kresge ask you?

A. No, I asked Kresge.

Q. Then the two of you went to see Solinko?

A. Yes.

Q. Was it your purpose at that time to protest against the affidavit that you had heard that he had made?

A. I didn't say a word. Mr. Kresge just asked him if he would get the affidavit back. That is all that was said.

Q. Did you believe at that time that the affidavit was true or false?

A. I didn't know what it was. Of course I believed it was true, I had heard rumors about it.

Q. You mean that you believed that he had made an affidavit?

A. Yes, sir.

Q. Did you know what was in that affidavit?

A. No, sir.

Q. Did you hear what was in the affidavit?

A. I don't know, only that he made it.

1356 Q. Did you hear that he had made an affidavit that you had threatened him about joining the Independent Union?

A. Yes, sir.

Q. Was that true or false?

A. That was false. I didn't have anything to do with him, I didn't know him at all.

Q. You wanted to get that strightened out?

A. Yes, sir.

Q. Paul Bozurich testified that you went along the line talking to the men. Did you go along the line talking to the men?

A. No, I didn't, I have collected up the cards.

Q. For what cards?

A. On the jobs started and finished.

Q. That is a part of your routine duty as timekeeper?

A. Yes, sir.

Mr. Seyfarth: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.
(Witness excused.)

Mr. Wham: Mr. Sterling.

WILLIAM STERLING, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

1357 Q. (By Mr. Wham.) What is your name?

A. William Sterling.

Q. Your address?

A. 5830 South Sangamon Street.

Q. Keep your voice up. Where do you work, Mr. Sterling?

A. Link Belt Company.

Q. What department?

A. South end of the foundry.

Q. (By Trial Examiner McCarthy.) What do you do, what work?

A. Castings inspector.

Q. (By Mr. Wham.) John Tomas testified that you solicited his partner Sam Dascus for the company union and promised bigger wages and better working hours.

A. That statement is false. I talked to Sam Dascus during the noon hour about joining the Independent Union, but I did not make any promises of any kind to any of the men.

Q. John Kalamarie said that he saw you in May or June collecting dues on company time.

A. He may have seen me on one occasion, which I did on one occasion.

Q. Only one?

A. Yes.

Q. Is that the only time you collected dues—

A. That is the only time I collected dues.

Q. On company time?

1358 A. Yes.

Q. (By Trial Examiner McCarthy.) Are you a steward?

A. Yes, sir.

Q. (By Mr. Wham.) Did you ever see any C. I. O. solicitation?

A. No, I have seen no C. I. O. solicitation, but I have seen them collecting dues on company time on one occasion also.

Q. And who did you see?

A. This John Tomas.

Q. (By Trial Examiner McCarthy.) John who?

A. John Tomas, who is also a delegate of the C. I. O. Mr. Wham: Read that answer, I didn't get it.

(Answer read.)

The Witness: I saw him collecting dues. That I saw on one occasion.

Q. (By Mr. Wham.) Did you ever see Paul Bozurich talking to John Tomas on company time?

A. Yes, I did; on one occasion he came down in that portion of the foundry. I was talking to Tomas on business. I don't know whether he paid him dues or not, I don't know.

Q. Do they work anywheres near together?

A. No, I think Paul Bozurich works on the molding floor or the core room, I don't know which, which is at the other end of the foundry.

1359 Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Did you have any instructions in regard to the time that you should collect dues for the Independent Union?

A. I did not at that time, no.

Q. When did you receive instructions?

A. About a week or so afterwards, or at the next meeting.

Q. What were those instructions?

A. That we were not supposed to collect dues on company time.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) You say after the next meeting. What meeting?

A. The following meeting after we were elected stewards.

Q. Was there a meeting after you were elected stewards?

- A. Yes, after that there was a joint meeting.
 Q. You were elected stewards at a general meeting?
 A. No, we were elected stewards by votes from the men, by secret ballot.
 Q. Then you had a meeting after that?
 A. The following monthly meeting.
 Q. A monthly meeting?
 A. Yes.
 Q. Of the stewards?
 1360 A. No, not the—
 Q. All the members?
 A. All the members.
 Q. Do you know what date that was?
 A. I don't just recall, it was in May or June.
 Q. About how long after the first meeting? As I understand it, there were two meetings, the first meeting and then another one?
 A. The second meeting.
 Q. How long after the second meeting is it your recollection that that occurred?
 A. I think about a week or two later.
 Q. That is, when the second meeting occurred?
 A. Yes, sir.
 Q. And it was at that meeting that you were told not to collect?
 A. That we were told not to collect on company time.

Cross-Examination (Continued).

- Q. (By Mr. Reynolds.) Did the foremen ever say anything to you about collecting dues?
 A. The foremen never saw me collect them any time or any contact with the men.
 Q. Did you help them solicit for membership?
 A. No, sir, I didn't, outside of this one instance, that is all.
 1361 Q. When did you first sign for the Independent Union yourself?
 A. When they first started to organize.
 Q. Who asked you to sign?
 A. I think it was Kowatch.
 Q. Was that during working hours?
 A. No, sir.
 Q. Where was it?
 A. On our way home from work.

Q. And did you see him ask others to sign?

A. No, I haven't.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Sterling, you kept out of the foreman's way when you collected dues on that occasion, didn't you?

A. Yes, I did.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. De Runtz.

LEO DE-RUNTZ, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

1362 Q. (By Mr. Wham.) What is your name?

A. Leo De Runtz.

Q. Where do you live?

A. 3933 South Scott.

Q. In Chicago?

A. Yes.

Q. Where do you work?

A. For the Link Belt Company.

Q. In what department?

A. Steel shop.

Q. Are you a member of the Independent Union?

A. I did, but I am not a member right now.

Q. (By Trial Examiner McCarthy.) What is that?

A. I am not a member right now.

Q. (By Mr. Wham.) You are not a member now?

A. No, sir.

Q. When did you cease to be a member?

A. About a month ago.

Q. (By Trial Examiner McCarthy.) How did it come about?

A. I was promoted to a foremanship.

Q. (By Mr. Wham.) You were what?

A. Promoted to a foremanship.

Q. (By Trial Examiner McCarthy.) Promoted to be a foreman?

A. Yes, sir.

Q. (By Mr. Wham.) What are you doing?

1363 A. I am foreman of the machine area in the steel shop.

Q. Now, you heard John Bailey's testimony, did you?

A. Yes.

Q. Concerning his conversation with Donald Sullivan?

A. I don't recall anything John Bailey had to say to Don Sullivan.

Q. Donald Sullivan testified that he talked to Bailey about 25 or 30 minutes and that you came up and said that you would see that he would join the Independent.

Do you remember any such conversation?

A. I don't recall ever talking to him. If I ever talked to John Bailey it was at the lunch hour and there was a group around there. If John Bailey was there, I don't recall it.

Q. Did you ever talk to Donald Sullivan?

A. No, I haven't.

Q. Do you know him?

A. Yes, sir.

Q. And you have talked to him during the noon hour?

A. Well, with the rest of the boys, had arguments about different things.

Q. Ever talk to him about the C. I. O.?

A. Yes, sir.

Q. He is a member, isn't he?

A. Don Sullivan is a member of the C. I. O.

Q. Did he ever ask you to join the C. I. O.?

1364 A. No, Don Sullivan never asked me.

Q. You have talked about union matters?

A. Sometimes, the same as with anybody else, we have discussed it.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Prior to a month ago did you ever act in a supervisory capacity out there?

A. Sir?

Q. Did you ever act in a supervisory capacity before one month ago?

A. I did off and on.

Q. Took the place of the foreman when the foreman was absent?

A. Yes, sir.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) How long did you take the place of the foreman?

A. You mean at the present time?

Q. No, prior to a month ago.

A. Off and on for the last ten years.

Q. How often would you say you took the place of a foreman?

A. Approximately once a year.

1365 Q. Approximately once a year?

A. Yes.

Q. And how long would you act as foreman on those occasions?

A. One week, two weeks.

Q. In other words, while he was on his vacation?

A. Yes, sir.

Q. Or during an illness, or something like that?

A. Yes, sir.

Q. How long have you worked for the Link Belt Company?

A. Twenty years.

Q. What kind of work do you do for them?

A. Sheet metal layout.

Q. How many men work in your department?

A. At the present time I believe about 30.

Q. How many men were working there a year ago?

A. A year ago?

Q. Yes.

A. I don't recall.

Q. Are you the oldest man in your department?

A. No, I am not.

Q. In point of service?

A. No, I don't believe I am.

Q. You think there are others who have worked there longer than 20 years?

1366 A. Yes, sir.

Q. You say you had a conversation with Donald Sullivan about union matters?

A. Well, not personally, I didn't, it was in a group that we spoke.

Q. What group?

A. Well, the boys would eat lunch generally, and all the layout men would come and be together and get talking about things, the C. I. O. and many other things, in the lunch hour.

Q. Union matters then came up in these conversations?

A. Yes, sir.

Q. Did Donald Sullivan ever talk to you about the C. I. O. matters or union matters outside of the lunch hour?

A. No, sir, he never did; Johnson asked me to join at one time.

Q. What Johnson is that?

A. I don't know what his first name is, he is an electrician.

Q. Fred Johnson?

A. I couldn't tell you what his first name is.

Q. Did he ask you to join the C. I. O.?

A. He asked me to join the C. I. O. during working hours, yes, sir.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

1367 Mr. Wham: Just a minute.

Q. (By Mr. Wham.) Did you ever solicit memberships for the Independent?

A. No, sir, I didn't.

Mr. Wham: That is all.

(Witness excused.)

Mr. Wham: Mr. Ed Smith.

EDWARD SMITH, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Edward Smith.

Q. Where do you live?

A. 5311 South Paulina, Chicago.

Q. You work at the Link Belt Company?

A. Yes, sir.

Q. What department?

A. Boring mill operator.

Q. (By Trial Examiner McCarthy.) How long have you been there?

A. 22 years.

Q. (By Mr. Wham.) Have you ever been solicited for membership in the C. I. O.?

A. I have

1368 Q. When and where?

A. During working hours.

Q. I mean about what month or year?

A. Oh, when they were starting to begin, I couldn't say just when.

Q. 1936 or 1937?

A. Well, in 1936.

Q. Whereabouts in the shop was it?

A. Oh, they would come up to me at the tool room. I was approached about six times.

Q. Who were they?

A. One was Salmons.

Q. (By Trial Examiner McCarthy.) Salmons?

A. Yes. I don't know his first name.

Q. (By Mr. Wham.) Louis?

A. Louis Salmons.

Q. Who else?

A. There was a fellow by the name of Michael Columbus, I think that was his name.

Q. What was that name?

A. Michael, or Cal, what is his name?

Q. You are testifying.

A. Cal Basil, and a fellow named Lou Rupert.

Q. Anybody else?

A. Johnson, the electrician.

1369 Q. Fred Johnson?

A. I don't know his first name, all I know him is by Johnson.

Q. Did all these people approach you on company time?

A. Yes, sir.

Q. You say there were six times?

A. Six, I think.

Q. Was that in the fall of 1936?

A. Yes, sir.

Q. All six of them?

A. At different periods of time, not all at one time. For instance, some would say, "Smitty, are you going to get in line?" Oh something to that effect.

Q. Did you sign with the C. I. O.?

A. No, I didn't.

Q. Did you see any other solicitation for the C. I. O.?

A. Well, I seen them talking, whether they were soliciting, I don't know.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Did Mr. Salmons talk to you in the plant or on the outside?

A. On the elevator, going from the first floor to the second floor.

Mr. Reynolds: That is all.

1370 Mr. Seyfarth: No cross.

Trial Examiner McCarthy: No questions. That is all.

(Witness excused.)

Mr. Wham: Mr. Richards.

WILLIAM C. RICHARDS, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. William C. Richards.

Q. Where do you live?

A. 1114 West 104th Place, Chicago.

Q. You work for the Link Belt Company?

A. Yes, sir.

Q. Where do you work there?

A. Electrician.

Q. Electrical department?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Electrician?

A. Electrician.

Trial Examiner McCarthy: Keep your voice up so the reporter can hear you.

Q. (By Mr. Wham.) Have you ever been asked to join the C. I. O.?

A. Yes, sir.

1371 Q. Whereabouts?

A. I have been asked several times, different places in the shop.

Q. With reference to working time?

Trial Examiner McCarthy: Where does he work, what does he do?

Q. (By Mr. Wham.) Where do you work at the Link Belt Company. I mean what part of the shop.

Q. (By Trial Examiner McCarthy.) What part of the shop?

A. In the tool room, what we call the tool room, as an electrician.

Q. (By Mr. Wham.) Does your work take you to different parts of the plant?

A. Yes, sir.

Q. This is the 39th Street plant we are talking about?

A. Yes, sir.

Q. With reference to working hours, when were you approached, or was it in the working hours, during the working hours?

A. Yes, yes.

Q. How many times would you say?

A. Oh, three, four or five times.

Q. Do you remember who approached you?

A. Yes.

Q. Who was it?

A. Johnson and Salmons.

1372 Q. Anybody else?

A. No.

Q. About what year or time of the year was this?

A. Well, the first time was in the fall of 1936.

Q. And after that?

A. And after that at different periods.

Q. Up until about when?

A. Well, the last time I should say would be about seven months or eight months ago.

Q. Along about November?

A. About that.

Q. 1937?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) During that period were you ever solicited to join any other union?

A. Yes, I was asked to join the Independent.

Q. (By Mr. Wham.) Did you join?

A. I did.

Q. Do you remember any of the conversations that you had with Mr. Johnson and Mr. Salmons?

A. Well, there were different phrases used at different times: come on, step in line with us; when am I going to get my feet wet; such stuff as that, you know.

Q. Did they say anything else?

A. What is that?

1373 Q. Did they say anything else to you? How long would these conversations last?

Q. (By Trial Examiner McCarthy.) You were working right with these men around you?

A. Yes, I was.

Q. (By Mr. Wham.) How long would they last?

A. Sometimes they would last a couple of hours along with our work, working together.

Q. What did they say?

A. Just a lot of foolishness.

Trial Examiner McCarthy: Isn't that conversation?

Mr. Wham: It is no more conversation than all the other testimony that the Board has put in about our soliciting.

Q. (By Mr. Wham.) You say a lot of foolishness?

A. It was foolishness in my idea, because I had no use for his organization.

Q. Well, that does not help us very much. Just what did they say?

A. More or less tried to get me to join, and at one time I did sign a card. They have a card in their possession with my name on it.

Q. Did you ever attend a meeting?

A. Never.

Q. Or pay any dues?

1374 A. No, not one cent.

Q. Did they ever bring that up to you at any time?

A. Yes, Johnson asked me when I was going to give them my dollar, and I just passed it off, and I just didn't give them the dollar.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) When did you sign the C. I. O. card?

A. When did I?

Q. Yes.

A. Somewhere—

Trial Examiner McCarthy: C. I. O. or independent?

Mr. Seyfarth: C. I. O.

The Witness: C. I. O.

Q. (By Mr. Seyfarth.) Was it before or after you joined the Independent?

A. Oh, quite a while before; if I recall it was before.

Q. Johnson or Salmons talked to you before you signed the C. I. O. card?

A. Yes, they had, both talked to me.

Q. How many times had they talked to you?

Trial Examiner McCarthy: I think the witness testified they work together and talked most of the time or a great deal of the time.

1375 Mr. Seyfarth: I want to know how many times they talked to you before you signed the C. I. O. card.

The Witness: That would be hard to say. One of the men only approached me once on the subject, but Johnson approached me a number of times, I couldn't say how many.

Q. (By Mr. Seyfarth.) Did you sign the C. I. O. card before or after you told them that you thought it was foolishness?

A. I signed that first, before I had told them that.

Q. Have you got a helper over there?

A. Not at the present, I have not.

Q. Did you ever have a helper by the name of Moser?

A. I did.

Q. How old a boy is he?

A. I would say 19 or 20 years old.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Workman.

JOHN L. WORKMAN, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. John L. Workman.

1376 Q. Where do you live, Mr. Workman?

A. 8513 Vernon Avenue, Chicago.

Q. Where do you work?

A. For the Link Belt Company.

- Q. 39th Street plant?
A. Yes, sir.
Q. What department?
A. Stock room.
Q. (By Trial Examiner McCarthy.) How long have you been with the Link Belt Company?
A. 21 years approximately.
Q. (By Mr. Wham.) Have you ever been solicited by the C. I. O. to become a member of that organization?
A. Yes, sir.
Q. Where and when?
A. In the stock room during working hours.
Q. About what year and month?
A. Oh, I think it was the latter part of March, 1937.
Q. And who approached you?
A. Fred Johnson. I believe his name is Fred.
Q. And did you sign?
A. I did.
Q. Are you still a member of that organization?
A. No, I never attended any meetings, never paid any dues.
Q. How long did he talk to you?
1377 A. Oh, approximately five to ten minutes the first time, probably the same the second time.
Q. How many times did he talk to you?
A. Twice that I know of.
Q. Were both times at the same place and on working time?
A. Yes, sir, in the stock room, yes.
Q. And were both times—
A. Both working hours, yes, sir.
Mr. Wham: That is all.

Cross-Examination.

- Q. (By Mr. Reynolds.) Why did you sign for Mr. Johnson?
A. Because I was told that there were 75 per cent of the employees who had signed, and I didn't want to be in the minority, so I signed.
Q. Well, did you find out to the contrary afterwards?
A. Yes, I did.
Q. How did you find out?
A. I couldn't say.
Q. You couldn't say?
A. No, sir.

Q. You mean, you don't remember?

A. I don't remember. That is the way I should have said it.

Mr. Reynolds: That is all.

Mr. Seyfarth: No questions.

1378 Trial Examiner McCarthy: That is all.

(Witness excused.)

Trial Examiner McCarthy: Mr. Wham, may I ask what is the purpose of the testimony given by the last witness?

Mr. Wham: To show that there was C. I. O. solicitation on company time.

Trial Examiner McCarthy: I think the record is pretty clear that it worked both ways.

Mr. Wham: That is the way it looks to me.

Mr. Reynolds: I don't think it is quite as clear as that.

Mr. Wham: Mr. Jeske.

JOSEPH JESKE, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Joseph Jeske.

Q. Where do you live?

A. 4616 South Albany, Chicago.

Q. Where do you work?

A. Link Belt Company.

Q. 39th Street plant?

A. That is right.

Q. In what department?

1379 A. It is known as the crane department, and it is also known as D. K.

Q. (By Trial Examiner McCarthy.) How long have you worked with the company?

A. Approximately 14½ to 15 years.

Q. (By Mr. Wham.) Did you do any soliciting for the Independent?

A. Yes, sir.

Q. Now, Joseph E. Novak said that you asked him on company time, "Do you want to join the company union?" Do you remember that conversation?

A. I haven't asked him to join any company union at all. I asked him to join an independent union.

Q. When was that?

A. Well, that was in about the latter part of April or the first of May.

Q. And with reference to working hours, when was it?

A. Well, I can't recall, it might have been pretty near to the noontime, but the conversation led into the noontime, though.

Q. Just about quitting time?

A. That is right.

Q. He said he also saw you around with a list. What is the fact about that?

A. Well, I made up a list of the fellows that were 1380 working in the department, and I just went and took off the ones who had already joined.

Q. Did you solicit on company time?

A. Well, I might have signed a couple of employees on company time, yes.

Q. How many did you get altogether?

A. Well, I couldn't say. I was sent out of town about a week after that, and I appointed—I didn't appoint them—I asked Mr. Jamison, Mr. Jamison and Mr. Art Ross to see if they could get any more members while I was gone. That job took me about two weeks, before I returned.

Q. Do you remember a meeting about May 4th at which an election was held by the Independent Union?

A. Yes, sir.

Q. Did you have any official position or connection with that meeting?

A. Well, at the time I was doorman there.

Q. Do you recall Paul Bozurich and Fred Johnson coming up and going in there?

A. Yes, sir.

Q. What did you tell them, what was done?

A. Well, they seemed—they sort of were under the influence of liquor, I believe, I could smell it on them. Paul Bozurich says, "Why can't we go into this meeting?"

I says, "If you were a member you would be able 1381 to go in, but since you are not a member, this is a closed meeting and you won't get in."

Q. What happened then?

A. They called me on the outside of the door, and they said, "Joe"—Johnson says, "Joe, why don't you get wise to yourself?"

I says, "What do you mean, get wise to myself?" One thing led to another, and they asked the officer whether they could go in, and the officer went in, I believe, and

seen Mr. Linde and the officer came out and told them to get out of the place.

Q. What was the officer doing there?

A. Well, I couldn't tell you.

Q. Is he stationed around some place?

A. I have seen him up there a few times after the second meeting.

Mr. Wham: That is all.

Mr. Reynolds: No questions.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Jeske, you say your conversation with Novak went into the noon hour?

A. That is right.

Q. What were you talking about?

A. Well, we were talking about the union condition.

Q. Did you talk about the Independent Union?

1382 A. That is right, I was asking him to join up.

Q. Did Novak talk about any union?

A. Novak said, "I have been asked by Katkha to join the C. I. O."

Q. Was that on company time?

A. Yes.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Kubicki.

FRANK KUBICKI, a witness called by and on behalf of the Intervener, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Frank Kubicki.

Q. Where do you live?

A. 5124 South Aberdeen Street.

Q. You work at the 39th Street plant of the Link Belt Company?

A. Yes, sir.

Q. What department?

A. Work in the chipper room.

Q. Are you sometimes referred to as Kapotky?

A. No.

1383 Q. In other words, there has been some testimony in which your name was pronounced that way by different witnesses.

A. I don't know, I am not very good English.

Q. All right. Do you know John Tomas?

A. I know him first name, I don't know him last name.

Q. Do you know who I am referring to when I say John Tomas?

A. Yes, I know him, he got laid off about two weeks ago.

Q. Now, did you do any soliciting for the Independent Union when it was obtaining applications for membership?

A. Yes, I belong to the company union.

Trial Examiner McCarthy: Keep your voice up so that we can hear you. Raise your voice when you answer the questions, please.

The Witness: All right.

Q. (By Mr. Wham.) Do you know what I mean when I refer to the Independent Union?

A. I can't understand that.

Q. Do you know what I am talking about when I say Independent Union?

Q. (By Trial Examiner McCarthy.) There are two unions, one C. I. O.

A. Yes.

Q. One Independent, do you understand that?

A. Yes. The C. I. O. bother me, I don't know his name, I don't know his last name, C. I. O., you know, he told me company union no good, Independent no

good.

Q. Tomas told you?

A. I don't know his name, I know John.

Q. John told you that?

A. Yes.

Q. When did he tell you?

A. Two months ago.

Q. Did he ever ask you to join the Independent Union?

A. I can't understand that.

Q. Did he try to get you to sign an application card?

A. No.

Q. For the Independent?

A. I am in the Independent.

Q. Do you belong to the Independent?

A. Yes.

Q. Did you ever try to get this John to join the Independent?

A. I ask him a couple of times. I know he join the other, the C. I. O.

Q. Do you remember whether that was during working hours?

A. No, that is after the time, we went upstairs in the washroom.

Mr. Wham: That is all.

Mr. Reynolds: No questions.

1385 Trial Examiner McCarthy: No questions. That is all.

(Witness excused.)

Mr. Wham: I think that is all I can produce today, if the Examiner please.

Trial Examiner McCarthy: We will adjourn until nine-thirty Monday morning.

(Whereupon, at 3:45 o'clock P. M., Saturday, March 19th, 1938, the hearing in the above entitled matter was adjourned until Monday, March 21st, 1938, at 9:30 o'clock A. M.)

1386 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-303) • •

Room 777, United States Court House,
Chicago, Illinois,
Monday, March 21, 1938.

The above entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock A. M.

• Before: Hugh C. McCarthy, Trial Examiner.

Appearances:

Stephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Messrs. Pope & Ballard, by Henry E. Seyfarth, and William F. Price, 120 South La Salle street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, and Forest A. King, 231 South La Salle Street, Chicago, Illinois, appearing on behalf of the Intervenor, Independent Union of Craftsmen, Local Lodge No. 1.

1387

PROCEEDINGS.

Trial Examiner McCarthy: You may proceed.
Mr. Wham: Mr. Lubenkov.

JOHN LUBENKOV, called as a witness by and on behalf of the Independent Union of Craftsmen, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. John Lubenkov.

Q. Where do you live?

A. Berwyn; 6518 West 26th place.

A. That is in Illinois?

A. Yes.

Q. And where do you work?

A. I work in the foundry at Link Belt.

Q. 39th street plant?

A. Right.

Q. Were you so employed in the spring of '37?

A. I believe I was employed '36—1936.

Q. I mean you have held the same position, have you, right straight through?

A. Yes.

Q. What work do you do?

A. I am an apprentice, foundry apprentice.

1388 Q. Now, Mr. Lackhouse testified that you did some soliciting for the Independent Union, I believe he said on company time, and I think he was referring to the period in the middle to the last part of April, 1937. Do you remember anything about that?

A. Well, I never solicited on company time, with one exception, and that was when we get through pouring off the time more or less is ours for the simple reason we are waiting for iron, and one of the fellows come to me and told me, because I spoke to him during noon hour, and then he says, "I will join the I. U. C.," and so I just happened to give him the card and he signed it, but that was about 4:00 o'clock after pouring.

Q. And what were you all doing?

A. We were all standing around waiting around for another buggy of iron.

Q. There was nothing that you could do at the time?

A. No, there wasn't anything you could do.

Q. Now, Mr. Paul Bozurich testified that he met you close to the foundry offices after working hours and you asked him if he wanted to sign and he said no, and you said, "Don't argue with me. I hope the C. I. O. wins but I am attending the company school and must work for the Independent Union."

Do you remember any such conversation?

1389 A. No, sir.

Q. Do you know Paul Bozurich?

A. Yes, sir.

Q. What contact have you had with him?

A. Well, our lockers are next to each other, and I never worked with him, but seeing that he was for the C. I. O. and I was for the I. U. C., every morning we did have our daily debates.

Mr. Wham: What was that last?

Trial Examiner McCarthy: "Daily debates."

Mr. Wham: Yes.

The Witness: And from the conversation he told me, of course, that if I joined the I. U. C.—he made it clear to me that the C. I. O. will win and I will have to join the C. I. O., and I told him that until that time comes that I won't, until it is more or less compelled. From what I understood he says the C. I. O. is winning and everybody will have to join. Well, I told him, "Until that time comes I am staying with the I. U. C."

Q. (By Mr. Wham.) Did you say anything to him which would indicate that you thought that the company wanted you to support the Independent Union?

A. No.

Q. Did he ever ask you to join the C. I. O.?

A. Yes.

1390 Q. When was that?

A. He asked me to join the C. I. O., oh, I imagine about a week after the I. U. C. started in and, well, when he asked me, I turned around and I asked him to join the I. U. C.

Q. And what time of the day with reference to working hours was that?

A. It was either before working hours or after working hours because that is the only time him and I could possibly meet and discuss things, because he didn't quit the same time and I didn't start the same time.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Didn't you ever solicit anybody during working hours?

A. No, I didn't solicit, only the time I signed one person was the time I stated when we were through pouring off and I asked him to join the I. U. C. during lunch and he said that he will think about it.

Well, after we poured off the first buggy we didn't have nothing to do, just stand around and wait, and so then he came around and says, "I will join." So I gave him the ticket and he signed it.

Trial Examiner McCarthy: I think he has explained that.

Q. (By Mr. Reynolds.) Did you see any soliciting 1391 for the Independent Union during working hours?

A. No.

Q. You work in the foundry, don't you?

A. Yes.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Lubenkov, did you attend the company's school?

A. Yes.

Q. What kind of a school was that?

A. That was Washburn Apprentice School. That was —oh, I don't know how long. I went up there approximately a year and a half at the Washburn.

Q. Washburn. Where is that?

A. On Sedgwick and Division.

Q. That is an apprentice school, is it?

A. Yes, sir.

Q. What salary did you get paid? What was your hourly rate while you were working for Link Belt?

A. My hourly rate varied. Every half year I had my raise, so it varied. It was a different hourly rate every half year.

Q. Did you get anything extra for attending the school?

A. No, that was in on your apprenticeship course.

Q. Who paid the tuition?

1392 A: I believe there is no tuition. I don't know anything about that. All I was told, that I had the opportunity with the other apprentices to go to school, so I have done that.

Q. Is the Washburn School a school supported by the City of Chicago?

A. I believe so. In fact, I am sure, because there is fellows going there who are too young and they have to go to school part time, and from what I understand I believe that is a city school.

Q. How often did you attend school there?

A. Once a week.

Q. Did the company ask you to attend the school?

A. Well, they offered it. They told us that our apprenticeship course—that we would go to school later on if I wanted to be an apprentice. Naturally I would. They offered the schooling and I took advantage of it.

Q. Are you a member of the I. U. C.?

A. Yes.

Q. When did you join?

A. Oh, it might have been a day or two after they started.

Q. Did you or did you not tell Paul Bozurich that you hoped the C. I. O. wins but you attend the company's school and, "If I don't do it I will get a rotten deal"?

A. No, I didn't say that. All I said was that he showed me that the C. I. O. is going to win. After proving 1393 it, he says then I will have to join the C. I. O. Well, I told him I won't until that time comes.

Mr. Seyfarth: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Who asked you to join the I. U. C.?

A. I believe it was Mr. Kowatch.

Q. Where did he ask you?

A. Well, that was during the lunch hour. I was talking to Emil Buterell, a friend of mine in the office of the foundry, and there was a fellow that ate there and he asked me if I would join the I. U. C., and I says I would.

Q. Did you see Mr. Kowatch solicit membership anywhere about the plant?

A. I seen him solicit membership throughout the plant in the mornings. That is the only time I could see John Kowatch, because I didn't work near him during the day-time, I was nowhere near him. The only time I saw him was, you might say, in the morning, because I usually get down to work about 6:30, and probably in the afternoon if I went down to the office. Otherwise I never see him.

Q. Did you see anybody soliciting anywhere around the plant?

A. I believe there was soliciting going on for both sides. I didn't pay much attention to it.

Q. Who did you ever see soliciting for the C. I. O. 1394 during working hours?

A. Well, it isn't that. They didn't solicit—

Q. (By Trial Examiner McCarthy.) Did you ever see anybody solicit for the C. I. O. during working hours? Can't you answer that yes or no?

A. Well, I didn't see them soliciting, but I have heard discussions and talks to solicit, but they gave me cards during lunch hours, but they asked me to join during working hours.

Q. Who did that?

A. Oh, there used to be a fellow, he doesn't work at Link Belt any more, I don't know his name yet, but he used to work on the converter, a big husky lad. I believe some of the employees would know his name. He works for a paint company now, I believe.

Q. (By Mr. Reynolds.) Describe Mr. Kowatch's activity in soliciting as you remember it.

A. Well, I used to get down to work at 6:30, and after joining the I. U. C. for a time then John Kowatch asked me if I want to solicit anybody. And I says I would like to for the simple reason that I know quite a number over there that would like to join and I have been through the plant, through most parts of the plant.

So all he did was give me the cards and told me that as soon as I sign them up I should sign my name and 1395 hand the card to him. That is the only thing. Outside of that I didn't see very much. In the morning if he would see anybody coming in and talk them all over, he would ask them to join the I. U. C.

Q. You saw him around the plant, didn't you?

A. No, he don't work near me at all.

Q. You don't work in one place, do you?

A. No, and neither does he, but you see John Kowatch more or less works on the business and jobs coming in. Well, at the time I was working on the iron floor, the converter, and that has nothing to do with him, and now at bench moulding upstairs.

Q. Well, of those cards that he gave you you only got one of them signed?

A. No, I have got more signed, but the only one I got signed was during about 4:15 waiting for the second buggy.

That is the only one I received signed, like Frank Lackhouse said. I received signatures. That is the only one during working hours. We were getting paid for that time, but he didn't have nothing to do. We were sitting waiting for the second buggy, but the fellow, I spoke to him during noon hour.

Trial Examiner McCarthy: That is enough. He covered that.

Q. (By Mr. Reynolds.) When did you get the other signatures?

A. During lunch hour.

1396 Q. Did you have any instructions about when you were to solicit?

A. No. I was busy. I couldn't solicit even if I wanted to.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Speiser.

JOSEPH SPEISER, a witness called by and on behalf of the Independent Union of Craftsmen, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Joseph Speiser.

Q. How do you spell the last name?

A. S-p-e-i-s-e-r.

Q. Where do you live, Mr. Speiser?

A. Midlothian, Illinois.

Q. You work at the 39th street plant of the Link Belt Company?

A. I do.

Q. Were you so employed in 1936 and '37?

A. I was.

Q. In what department?

1397 A. In the tool room.

Q. What were your duties?

A. Maintenance, various duties, all around the shop.

Q. You had to go from place to place?

A. Yes.

Q. (By Trial Examiner McCarthy.) Were you an electrical maintenance man?

A. No, handyman.

Q. (By Mr. Wham.) Mechanic?

A. Mechanic.

Q. Were you ever solicited in the plant during working hours by the C. I. O.?

A. Yes.

Q. Who solicited you?

A. Salmons, Sellars, Bill Farmer, Johnson, various other fellows.

Q. What were the first names of these people you mentioned?

A. Fred Johnson, Louis Salmons, Walter Sellars, William Farmer.

Q. And approximately when were you solicited by them?

A. Well, just before the Independent Union came out; about February and March, '37.

Q. I see. State the circumstances.

A. Well, they kept on harping at me to join the C. I. O.

Q. Are you stationed anyways near them, or do 1398 you work anyways near them?

A. I work in the department and they are up there at various times for tools and other things.

Q. So that your paths cross from time to time.

A. Yes.

Q. All right, go ahead.

A. And they kept on nagging me to join the C. I. O., and I was the only one in the department that didn't belong to it, and finally they made things so damned miserable for me, not talking to me, ignoring me for two weeks, I told them to lay off me or I would crack a few of them. I thought there was nothing else to do so I did sign up with the C. I. O., seeing the rest of them belonged to it.

Q. Did you pay any dues, or attend meetings?

A. I attended one meeting. Paid no dues.

Q. Go ahead.

A. And then the Independent Union of Craftsmen come out. I went to Bill Gunn, got an application blank while he was eating his lunch, signed it and left it on his bench.

Q. Can you be any more specific about these C. I. O. solicitations, as to who did it? For example, just take Walter Sellars.

A. Well, he was a C. I. O. steward. He was the guy that held a grudge against me for not joining it more than anyone else. He was the one that started it, and they 1399 started calling me suckhole and things like that.

Q. When did Louis Salmons approach you?

A. Louis Salmons approached me at the very start when he first started to organize the C. I. O. in the Link Belt Company.

Q. Was that during working hours?

A. Yes, it was.

Q. When did Fred Johnson approach you?

A. The same time, right after he joined it. I used to stop with the boys and drink beer and we were pretty friendly, and when they started out with the C. I. O. they wanted me to get into it.

Q. What about William Farmer?

A. Well, he is the fellow that kept on preaching it to me and wouldn't leave me alone, and I told him that if he didn't leave me alone I would take a crack at him, and quit bothering me with it.

Q. Were these talks you had on company time?

A. They were.

Q. All four of these people?

A. Yes, sir.

Q. Did you see them talking to any other employees on company time?

A. I have.

Q. Do you know what they were talking about?

1400 A. I couldn't state.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) After the Independent Union started organizing in April, 1937, did you see any of these men solicit memberships in the C. I. O.?

A. What was that question?

Q. After the Independent started organizing did you see any of these men soliciting for the C. I. O.?

A. I seen them talking, the same as the Independent Union, on both sides, but I don't know what they were talking about.

Q. You didn't hear any conversations?

A. No, sir.

Q. You saw several people solicit for the Independent Union, though, didn't you?

Trial Examiner McCarthy: Answer so that the reporter can hear you.

The Witness: Yes, sir.

Q. (By Mr. Reynolds.) Who all did you see?

A. Well, I couldn't state. I don't go around with a

notebook and write down names and things that have gone on and times and places.

Q. Well, you saw Independent Union men soliciting on company time, though, didn't you?

1401 A. Yes. They weren't all Independent men. It was going on on both sides. The reason I stated that Fred Johnson and they were doing it, because that was the beginning of the organization.

Trial Examiner McCarthy: 1936?

The Witness: From then on I paid no attention to what was going on.

Q. (By Trial Examiner McCarthy.) What time was this you refer to?

A. That was in '37, February and March, when I joined it, and 1936, the latter part of 1936.

Q. (By Mr. Reynolds.) Who asked you to join the Independent Union?

A. Nobody.

Q. What were the circumstances of your joining it?

A. Well, they ignored me before and made life miserable for me. I thought I would show them I had guts enough to turn the other way, so I went and signed up and put on a red button.

Q. Where did you sign up?

A. Bill Gunn, I got the application from him on his lunch hour. He eats from 11:30 to 12:00.

Q. (By Trial Examiner McCarthy.) Who is Bill Gunn? What does he do?

A. He is the Independent Union of Craftsmen 1402 steward now. He is a belt man and oiler.

Q. Belt man, you say?

A. Belt man and oiler.

Q. Oiler?

A. Yes.

Q. (By Mr. Reynolds.) Did you see any of the Independent men going around with lists for men to sign?

A. I saw them going around with lists before the Independent Union had started.

Q. Saw who going around?

A. There was no Independent Union. There was various fellows.

Q. Well, who were those various fellows? You remember some of them, don't you?

A. Kowatch, Bill Greenlee, that is all.

Q. Did you see Russell Erickson?

A. I don't know Russell Erickson.

Q. They were going around on company time talking to the men, weren't they?

A. Yes.

Mr. Reynolds: That is all.

Mr. Seyfarth: No questions.

Trial Examiner McCarthy: That is all.

Mr. Wham: Just a minute. Just sit down.

Redirect Examination.

1403 Q. (By Mr. Wham.) - When was it you saw Ko-watch going around with a list?

A. Oh, it is hard to answer. I have seen him through the foundry at various times, and I have seen him in the machine shop at various times.

Q. Was that on company time, you say?

A. I saw him before hours. I don't know whether it was necessarily on company time. I don't remember just when it was, to be truthful with you.

Q. Is your recollection about Greenlee about the same?

A. Yes. He stopped me in the elevator about twenty-five minutes to five, and we quit at 4:30.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Szabo.

JOSEPH SZABO, called as a witness by and on behalf of the Independent Union of Craftsmen, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Joseph Szabo.

Q. Where do you live?

A. 3612 Franklin Boulevard.

1404 Q. Chicago?

A. Yes.

Q. You work at the 39th Street plant of the Link Belt Company?

A. I do.

Q. Were you employed there in 1937?

A. Yes.

Q. What department were you in then?

A. In the engineering department.

Q. Any particular part of it? What was your work?

A. Well, at the time I was working on color prints, detailing.

Q. Draftsman, you mean?

A. Yes.

Q. Well, directing your attention to the last part of April, 1937, were you solicited for the C. I. O.?

A. Yes.

Q. With reference to working hours when was it?

A. Well, it was one Saturday morning, there was another lad and I, John Peterson, came in to work, and Fred Johnson and another man, I don't know his name, came in to do some work on some of those mercury lights we have in the engineering department.

Q. What time of the day was that?

A. Oh, it was between 8:00 and 10:00, somewhere 1405 around there. And the other lad that came in with Fred Johnson went up on the ladder and started working on these lights and Johnson came over and started talking Union activities to John and I.

Q. What did he say?

A. Well, he told us that the Independent Union wasn't worth the name it had and that we should go down and come to the C. I. O. meetings. I don't know, he gave us the date of the next one, and he told us that we should come down there. And we told him that we had already signed up with the Independent Union, but he claimed that that didn't mean anything because it wouldn't last very long anyway. That was the general theme of it. I don't remember exactly everything that was said.

Q. Did he tell you why it wouldn't last very long?

A. Well, it was more or less talking back and forth. I don't just remember just why and the pro and cons of the whole conversation.

Q. How long did the conversation last?

A. Well, I should say between a half an hour and three-quarters of an hour.

Q. Who was doing the talking?

A. Mostly Johnson.

Q. Do you know where John Peterson is?

A. Why, right now he is out of town. He is in 1406 Flint, Michigan.

Q. Did you see any C. I. O. members talking to other employees during working hours?

Mr. Reynolds: I object, if the Examiner please. It is

immaterial whether the C. I. O. members talked to others during working hours. It is assumed that they would if they were all working in the same plant.

Trial Examiner McCarthy: Would you restate the question, please?

Q. (By Mr. Wham.) Did you ever see Johnson talking to other employees?

Mr. Reynolds: I object.

Trial Examiner McCarthy: You mean about solicitation or just conversation? I think we ought to try to be a little more specific.

Mr. Wham: Well, the Board has put in evidence here of just people talking; nobody knew what they were talking about.

Trial Examiner McCarthy: Well, it is immaterial if it is just conversation, but if it is Union activity it is material.

Mr. Wham: All right.

Q. (By Mr. Wham.) Did you ever see Fred Johnson talking to another employee concerning the C. I. O.?

A. I can't say that he was talking about C. I. O. 1407 I have seen him talking to other members of the engineering department. I can't say what he was talking about.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Nordine.

AUGUST NORDINE, a witness called by and on behalf of the Independent Union of Craftsmen, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. August Nordine.

Q. How do you spell Nordine?

A. N-o-r-d-i-n-e.

Trial Examiner McCarthy: Will you keep your voice up, please?

The Witness: Yes, sir.

Q. (By Mr. Wham.) Where do you live, Mr. Nordine?

A. 306 West 108th Place.

Q. Chicago?

A. Chicago.

Q. Try to look towards the Examiner a little more. Where do you work, Mr. Nordine?

1408 A. Link Belt Company, 39th Street.

Q. What department?

A. Steel shop.

Q. In the month of April, 1937, were you solicited by the C. I. O.?

A. Yes, I was.

Q. Whereabouts?

A. Over in the steel shop. Welding shop, I would call it.

Q. What time of the day?

A. Oh, about 10:00 o'clock in the morning, I would say.

Q. Was that during working hours?

A. During working hours.

Q. Will you tell us about it?

A. Well, it was Mr. Fred Johnson, the electrician. He was down there to fix up a welding machine that was down, and I walked by. I had to go down to the other end to get material for my work, and on the way back I had an armful of welding rods. He stopped me and told me to come over there behind that welding machine, which I did for a little while. He called me over and he says, "Have you signed up with the I. U. C. yet?" And I says, "Yes, I did, about a week ago."

Well, he says, "I think you made an awful mistake. I think you are going to get yourself in a jam like a lot of these other fellows are."

Well, I says, "You let me worry about that." So 1409 with that I told him, I says, "I am working piece-work. I can't stand around this way." So I went on back and went to work and he went on with his work.

Q. Were you solicited any other times by the C. I. O.?

A. Well, there were other times, but I can't remember just what took place then. By the same party.

Q. Were they during working hours?

A. No, them other times, they were not working hours, no.

Q. Do you hold any position with the Independent Union?

A. Yes, I am the steward for the welders.

Q. When were you elected?

A. Right after the steward, which was Herb Brooks, went on as a foreman and he had to leave the I. U. C., and they had a vote at noon hour one day and I was elected to take his place.

Q. How was that vote conducted?

A. Mr. Linde here passed out ballots at noon hour to all the boys in the welding shop. There wasn't very many and it doesn't take very long. And he went around and in a few minutes he went back and picked them up, and a short while after that, why, Mr. Ross come over and told me that I was to take over the duties as steward for the Welders.

Q. Is Mr. Brooks still a foreman?

A. No, he is back working now.

Q. Did you have any further contact with Mr. 1410 Fred Johnson after that?

A. Well, he found out later on that I was elected steward, and he lives out in the same neighborhood that I do and he rides home with me sometimes in the evenings, and he told me one day, he says, "I hear you was made steward." I says, "Yes, I was."

Well, he says, "I don't know why you want to get mixed up in that stuff for."

Well, I says, "You better let me worry about that."

And that kinda cut that conversation.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) When do you make your collections of dues as a steward?

A. Usually at noon hour.

Q. Did you ever collect them during working hours?

A. Well, now, there has been occasions when I walked—where my line of work is I have to walk through the whole welding shop, over to the pay window, and on the way back sometimes fellows when I would walk by they would say, "Here is my dues," and I would just take the dues and put it in my pocket. I don't say that was openly collecting dues. I usually done my soliciting for dues at noon hour and after working hours. I used to get these fellows as they come from the washroom.

1411 Q. Who asked you to join the Independent Union?

A. I signed the petition that went around when it first started.

Q. Who brought the petition to you?

A. Mr. George Linde.

Q. George Linde?

A. Yes.

Q. That was during working hours, wasn't it?

A. No, sir, that was on a Monday morning, about quarter to eight.

Q. Did you see him take it to others?

A. Well, in my line of work, I am an electric welder by trade and I sit with my head covered up all day long and so I don't see much that goes on throughout the shop.

Q. You didn't see anybody soliciting about the shop for the Independent Union?

A. I can truthfully say no, not around in there. As I say, I don't get to see much. We are covered up with shields all around and you are in your spot, and that is where you are all day.

Q. Did you see anybody solicit for the Independent Union?

A. At a distance I have seen fellows talk to each other. Now, just what went on I couldn't say.

Mr. Reynolds: That is all.

Mr. Seyfarth: No questions.

1412 Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Mr. Johnston.

ARCHIBALD JOHNSTON, a witness called on behalf of the Independent Union of Craftsmen, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Archibald Johnston.

Q. Where do you live, Mr. Johnston?

A. 1405 East 57th Street.

Q. In Chicago?

A. Chicago.

Q. Where do you work?

A. Link Belt Company, 39th Street.

Q. What department are you in?

A. Steel shop department, blacksmith.

Q. Were you there in about April, 1937?

A. Yes.

Q. Are you sometimes referred to as "Baldy?"

A. Yes.

Q. Now, Fred Johnson—he spells his name differently, doesn't he?

1413 A. Yes.

Q. (Continuing.) —testified that he approached you—no, that you approached him during working hours in the steel shop and asked him to sign for the Independent, and also that he saw you soliciting other employees to join the Independent during working hours.

Will you tell us about that?

A. Well, as far as Johnson is concerned, I didn't solicit him at all. During working hours, during lunch period I was soliciting down at the other end of the shop, and he got to know about that. So after I had done the soliciting, he come along by me. Well, this was after the whistle blew at 12:30 again, and he says, "How do you not come to me with that sheet?"

Well, I says, "That sheet is not for you and you know it."

So he took it. I had it stuck in that hip pocket at that time, and he says, "I could sign it, too."

And I says, "Well, go ahead and sign it."

And so he did sign it.

Q. You mean he insisted on signing it?

A. He wanted to sign it.

Q. Were you ever solicited by the C. I. O.?

A. Yes, sir.

Q. Who by?

1414 A. Johnson.

Q. Fred Johnson?

A. And Salmons and another guy that was out in the machine shop.

Q. Was this during working hours?

A. Yes, sir.

Q. About what year and month?

A. Well, Johnson wanted me to come up to the meeting up there and see what was going on and hear something about a good organization. Salmons, he approached me in the tool room. Sometimes we have got to go up in the tool room for a fuse or something like that. So I went up there and he says, "When are you coming down to the meetings?"

And then the other guy, a little guy, I don't know his name. He was out in the machine shop. He come two

or three times and asked me to come up to the meetings. That was all.

Q. Did you sign for the C. I. O.?

A. Did I ever sign? No.

Q. Were you ever elected to an office in the C. I. O.?

A. Well, I understand I was put up as shop steward for the steel shop workers.

Q. Who told you that?

A. A guy up in the washroom one Friday morning, I think it was.

Q. Do you know who that was?

1415 A. I don't know his name, but I know who he is all right.

Q. What did he tell you at that time when he was telling you that you are to be steward? What did he tell you?

A. He told me I was proposed up there in the C. I. O. meeting for steward. That is all he told me.

Q. Did he ask you to do anything?

A. No, he never mentioned that I do anything. He asked me was I going up to their meetings. I told him no.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Did you ever receive any instructions about what time of the day you were to do your soliciting for the Independent Union?

A. No, I never received any instructions, but I think I should know that, when to do it.

Q. The foreman never said anything to you about it?

A. My foreman never said anything to me about it.

Q. Did your foreman see you soliciting?

A. Well, I guess he did, because I did most of the soliciting in the lunch hour, because it was the one end of the shop I got.

Q. He never said anything to you about it?

A. Well, the foreman never said anything to me because the foreman was always up in the office.

Q. Did any other officer or supervisory official
1416 ever say anything to you about soliciting for the Independent Union?

A. Nobody ever said anything to me about soliciting.

Mr. Reynolds: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) How long have you been with the Link Belt?

A. About fourteen and a half years.

Q. Did you testify that Fred Johnson took the list out of your pocket and signed up?

A. Yes, he asked me to sign on that list. I didn't ask him.

Q. Then sometimes afterwards he asked you to join up with the C. I. O.?

A. He was after me two or three times.

Q. Isn't that a little inconsistent? He signed up with the I. C. U., and then he wanted you to join the C. I. O.?

A. This list he was signing was not for the Independent. This was to get it started before it was started. This wasn't an application for the I. C. U.

Q. (By Mr. Wham.) Well, he really was just horning in on the organization, wasn't he?

A. That was all.

Mr. Reynolds: Just a minute.

Q. (By Mr. Reynolds.) Who asked you to come down here to testify, Mr. Johnston?

1417 A. Who asked me to come down?

Q. Yes.

A. Mr. Linde.

Q. Did anybody see you out at the plant about it?

A. Anybody see me?

Q. Yes.

A. Yes.

Q. (By Trial Examiner McCarthy.) Talk to you out there.

A. Yes.

Q. Who?

A. Who called me out in the plant; is that what you mean?

Q. (By Mr. Reynolds.) Who came to see you in the plant about it?

A. Linde.

Q. Mr. Ross didn't talk to you.

A. And Mr. Ross too. That was about Wednesday, lunch hour, ten minutes or a quarter after twelve.

Mr. Reynolds: That is all.

Mr. Wham: That is all.

(Witness excused.)

Mr. Wham: Mr. Jamison.

EDGAR E. JAMISON, a witness called by and on behalf of the Independent Union of Craftsmen, being first duly sworn, was examined and testified as follows:

1418

Direct Examination.

Q. (By Mr. Wham.) What is your name?

A. Edgar E. Jamison.

Q. How do you spell Jamison?

A. J-a-m-i-s-o-n.

Q. And where do you live, Mr. Jamison?

A. 4640 Drexel Boulevard, Chicago.

Q. And where do you work?

A. Link Belt Company, 59th Street plant.

Q. And were you working there on April, 1937?

A. I was.

Q. And since that time?

A. I was.

Q. What department were you in at that time?

A. Crane department.

Q. Are you still in the crane department?

A. I am.

Q. Now, Joseph B. Novak testified that he saw you approaching employees during working hours and talking to them.

A. I imagine he did.

Q. What is that?

A. I imagine he did.

Q. In what connection did you talk to them?

A. Well, I couldn't recall any conversation I had. I may have been talking Union and I may have not. I don't know.

1419 Q. Did you ever talk to them about the Independent Union?

A. I did.

Q. During working hours?

A. I did.

Q. Did you ever solicit any memberships?

A. I did.

Q. How many?

A. Well, as to that I couldn't say.

Q. (By Trial Examiner McCarthy.) Approximately how many?

A. You mean how many did I solicit?

Well, I don't believe there was more than two or three that I really signed up.

Q. But how many did you solicit approximately?

A. Well, you understand the work that I am doing, we are all working together and naturally a conversation would drift into one thing or another, but now as far as getting a man off in a corner and really talking to him, I didn't.

Q. (By Mr. Wham.) You just had a general conversation; is that right?

A. Just a general conversation, yes.

Mr. Wham: That is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Who is your foreman?

A. Right now at the present time, Mr. McKinney.

Q. Did you talk to Mr. McKinney about the Independent Union of Craftsmen too?

A. Mr. McKinney was not my foreman at that time.

Q. Who was?

A. Mr. Simmons.

Q. Did you talk to Mr. Simmons about the Independent Union?

A. Absolutely not.

Q. Was he ever present when you were talking to the other men?

A. Oh, no.

Q. Had you received any instructions about when you were to solicit for the Independent Union?

A. No, sir. I didn't have to have instructions.

Q. What do you mean by that?

A. Well, I knew that I wasn't supposed to be doing that on company time. I was just taking a chance.

Mr. Reynolds: That is all.

Mr. Seyfarth: No questions.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Wham: Now, Mr. Examiner, we had some other witnesses, but they are not available at the time, and I think if it is agreeable we will close our case with the understanding that the company call these various supervisors that have been mentioned. If they don't call them, we would like to call them ourselves.

1421 Mr. Seyfarth: Do I understand that you have other witnesses, including supervisors, that you propose to call that aren't here at the present time?

Mr. Wham: Well, I am not sure that they will ever be available during the course of this hearing.

Mr. Seyfarth: I don't like to undertake to put on the respondent's case until the Intervener and the Board has completed its case.

Mr. Wham: What I will put on won't vary it any.

Trial Examiner McCarthy: That won't make much difference. It is all in the record.

Mr. Wham: Yes.

Trial Examiner McCarthy: In other words, it would be all right if these witnesses would turn up even after your case was in.

Mr. Wham: They won't testify to anything different, I don't think, than what is in.

Trial Examiner McCarthy: Wouldn't that tend to be cumulative? I would like to avoid it if I can.

Mr. Wham: They are generally along the same lines, but they would be little different instances, and so forth. But the thing I am particularly interested in, I noticed that some of these supervisors were mentioned, and they affect the Independent Union just as much as they do the company, and if the company isn't going to call them, I will call them.

1422 Mr. Seyfarth: The company is going to call its supervisors.

Mr. Wham: All right.

Trial Examiner McCarthy: All right.

Mr. Seyfarth: I would like to renew the motions that I made at the terminations of the Board's case, if the Examiner please.

Trial Examiner McCarthy: Reserve decision.

Mr. Seyfarth: Before starting the respondent's case, I have been advised that Mr. Ford made a request for certain records or all of the records of the Labor Board on the cases of Salmons, Sorenson and Novak, and I also understand that he made a request for subpoenas for Mr. Beman and Mr. Disser.

Have you got the completed file available?

Mr. Reynolds: I have the file. I don't have any objection if you look at it, but Mr. Ford said that if the file were made available he wouldn't want to subpoena Mr. Beman.

Trial Examiner McCarthy: On that point, as I understand it, it is conversation between Mr. Disser and Mr. Berry. Mr. Berry knows what the facts are and his testimony I should think would supply the information that you desire.

Mr. Seyfarth: Unless it happens to be controverted.

Trial Examiner McCarthy: Well, that is up to the Board's counsel.

1423 Mr. Seyfarth: Well, I don't want to wait until there is a controversy about Mr. Berry's testimony and then make a request for a subpoena and then have perhaps two or three days intervene before we could have him here.

Trial Examiner McCarthy: Well, whatever arrangement was made at that time, it was purely for mediation purposes, and not particular material to this case, as I see it.

Mr. Seyfarth: My understanding was to the contrary; that there was more or less of an explicit understanding about the cases of Salmons, Sorrenson and Novak.

Mr. Reynolds: Between who?

Mr. Seyfarth: Between Mr. Berry and Mr. Beman and Mr. Disser.

Mr. Reynolds: If the Examiner please, I submit that that is not controlling.

Trial Examiner McCarthy: The Examiner will so rule.

Mr. Reynolds: If you can show a general release from these two men of their rights, that is a different matter.

Mr. Seyfarth: I would like to have the Board's file on the cases of these three men, and if it is possible to run through the hearing without the presence of Mr. Beman and Mr. Disser I would like to dispense with their presence here, if it is possible.

Trial Examiner McCarthy: Yes. Well, I think it is possible, because whatever arrangements they made
1424 were purely the exercise of good offices, as I understand it. There was no obligation on either side. It was an effort to solve the difficulty or dispute by mediation.

Mr. Seyfarth: Have you the files present, Mr. Reynolds?

Mr. Reynolds: Yes, I have the file.

Mr. Seyfarth: Is it complete? I understand you didn't have the complete file on it.

Mr. Reynolds: That is the complete file, the closed case. However, there are only two men here involved, so far as I know; Salmons and Novak.

Trial Examiner McCarthy: I think the simplest way to do it is to put Mr. Berry on the stand and let him state the facts as he understood them, and if they are erroneous it is up to the Board's counsel to rectify them.

Mr. Seyfarth: Thank you. Shall I proceed?

Trial Examiner McCarthy: Proceed.

Mr. Seyfarth: Fred Skeates.

FRED B. SKEATES, a witness called by and on behalf of the Respondent, Link Belt Company, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, sir?
A. Fred B. Skeates.

Q. What is your address, Mr. Skeates?
1425 A. 318 East 81st.

Q. You are employed by the Link Belt Company?
A. Link Belt Company of Chicago, 39th Street plant.

Q. In what capacity?

A. Foundry superintendent.

Q. How long have you been employed by the Link Belt Company?

A. Thirty-four years.

Q. How long have you been foundry superintendent?

A. Since the first part of '36; from '36, '37 and up to the present time.

Q. What did you do for the Link Belt Company prior to being foundry superintendent?

A. Well, the last twenty years I have spent all my time in the foundry. Before that I worked, well, all the way from an office boy, all the way through the plant practically.

Q. What is the fact regarding the meetings of the supervisory force of the Link Belt Company during the years 1935, 1936 and 1937?

A. Well, I attended no meetings during '35, with the exception of possibly three or four at the end of the year, but all through '36 and '37 it is a policy that we have a daily meeting starting right after the lunch period which is around 12:30, and all of the supervisory heads, or in other words, the heads of departments, attend this meeting, 1426 and there has been different discussions by Mr. Berry and explanations of production and labor policies. On several occasions we were very definitely told that—

Q. Just a minute. Who usually attended these meetings, Mr. Skeates?

A. Well, all of the department heads. When I say department heads I mean to say such as the foundry, machine shop and steel shop, a representative from the engineering department, the production superintendent, the operating superintendent, and there were certain days where the head of the shipping department and receiving rooms and purchasing.

Q. Now, the subject of production was discussed at these meetings, you state?

A. Yes, sir.

Q. That is, difficulties in production and any plans of production were explained, were they?

A. Yes, and there were times when probably the production of this particular department wasn't able to meet the demands, and it was up to the head of the department to step in and assist and work our problems and methods.

Q. Would you say that the general operation of the plant was discussed at these supervisory meetings?

A. Yes.

Q. Now, who was the chairman of these meetings?

A. Well, the production superintendent was the 1427 chairman of the meeting up to a certain period.

Q. Who was the production superintendent?

A. Mr. Conroy.

Q. After the subject of production was disposed of who ordinarily became chairman of the meeting?

A. Mr. Berry.

Q. You have reference to Mr. Berry who is the general superintendent at the 39th Street plant?

A. Yes, sir.

Q. Was the subject of the Wagner Act and the labor relations discussed at these supervisory meetings?

A. Yes, many times.

Q. When did the discussions concerning labor become prominent in the course of the meetings?

A. Well, as I remember it was immediately after the Supreme Court had rendered decision that the Wagner Act was lawful.

Q. Would you say that the subject of labor relations was discussed prior to that time?

A. Oh, yes. We discussed labor situations as to the conditions in the shops and we discussed the means of according help and, oh, various phases of labor.

Q. Now, did you receive any instructions from Mr.

Berry concerning your conduct and the conduct of the supervisory force with relation to Union matters?

A. Yes, sir, very definitely.

1428 Q. Will you tell us what those instructions were?

A. We were to at no time interfere with Union; we were not to permit the foremen of departments to interfere with discussions of Union labor or show any partiality to workmen if they become members of any group or Unions. Well, to have nothing to do with it. That is to say, our job was to produce and we were to have no Union activities permitted during working hours.

But we had absolutely no right or authority to interfere with anything that may be discussed in the plant during the lunch period or the time of the men, but our job was to produce.

Q. Would you say that you were instructed to remain neutral between any conflicting union groups?

A. Yes, sir, I think I covered that; that we were to in no way make a decision or to permit a discussion with the foremen of one Union or the other.

Q. Would you say that you were instructed to refrain from giving aid or assistance to any particular Union group?

A. Yes, sir.

Q. Were you also given instructions to refuse to dominate or attempt in any manner whatsoever to control any particular Union group?

A. Absolutely.

Q. Were you instructed not to discriminate between any particular Union group or members thereof?

A. Yes, sir. It didn't make any difference in the shop what Union you belonged to as long as you were producing your work.

Q. Now, Mr. Skeates, was it the practice of the company and the practice of the supervisory force to reward employees whom you deemed good workmen?

A. Yes. Increase in wages.

Q. And promotions, I presume?

A. Promotions and increase of wages, absolutely.

Q. When such promotions and increases in wages were in order?

A. Well, of course, promotions would arise when the case presented itself, where promotion was possible. Raises were given at various times on the recommendation of a foreman to me, and I have given lots of raises on the recognition of good work.

Q. Now, Mr. Skeates, did you pass the instructions that you had received from Mr. Berry on labor relations on to the various foremen who were under your supervision?

A. Yes, sir, on many occasions. I instructed all the foremen in the foundry department that they were not to at any time to assist or help or permit the solicitation of applications for any Union during working hours at any time—or, during working hours; not to enter into 1430 any discussions or permit discussions if they knew what was going on.

Q. Mr. Skeates, did the Link Belt Company at the 39th Street plant have any set policy regarding the authority of a foreman to discharge an employee?

A. No, sir. No department foreman could hire or discharge an employee. His recommendation would be to me. I would investigate his recommendation and investigate and if I found it warranted, I would discharge him.

Q. And the same held true for hiring men, I presume?

A. Yes, sir.

Q. Did the Link Belt Company have any set policy regarding the discharge of a production employee for Union activity on company time?

The Witness: Will you state that question again?

Mr. Seyfarth: Will you read that question, Mr. Reporter?

(Question read.)

The Witness: Yes. If an employee was caught during working hours, he was first warned on the first offense, and if he was caught on the second offense he was discharged.

Q. (By Mr. Seyfarth.) Now, Mr. Skeates, I will show you Respondent's Exhibit No. 1, so marked for identification, and I will ask you what is that exhibit?

A. It is a drawing showing the location of the various shops of the 39th Street plant.

1431 Q. You are familiar with the various locations of the shops and buildings and the general lay out and the floor plan of the buildings in the Link Belt plant at 39th Street?

A. Yes, sir.

Q. Would you say that Respondent's Exhibit No. 1, so marked for identification, is a true and correct blue print of the plant?

A. Well, the only part of this that isn't up to date, if that is answering the question, is this lay out of the foundry building which, in the last three or four months, has

been rebuilt, and there is just a little change; not in the building line but in the building itself.

Q. Prior to that change would you say that the exhibit is a true and correct blue print of the buildings of the Link Belt plant?

A. Yes, sir.

Q. You were the foreman of the foundry?

A. I didn't hear that.

Q. You were the foreman of the foundry or the general superintendent of the foundry?

A. Yes, sir.

Q. Will you kindly explain your duties as the superintendent of the foundry?

A. Well, I think—I will make it as brief as possible.

Q. Yes.

1432 A. I had complete charge of the foundry department, that is, the complete foundry. I was responsible for producing steel and iron and castings in good solid shape. I was responsible for the operations of the foundry departments. I had charge of hiring and discharging and laying off all help in the foundry.

Now, I think that covers it.

Q. That is fine. How many foremen did you have under your supervision, say, during the calendar year 1937?

A. Well, let's see.

Trial Examiner McCarthy: Approximately the number.

The Witness: Approximately seven or eight different foremen.

Q. (By Mr. Seyfarth.) How many men worked in the foundry during any particular period during the calendar year 1937?

A. Our highest total there was around 295.

Q. There was a slackening of employment in the latter part of 1937?

A. Definitely.

Q. Now, was there a department of the foundry known as the grey iron floor?

A. Yes, sir.

Q. Will you tell just in a few words about the grey iron floor?

A. Well, the grey iron floor has always been known as the large floor, the large work which was serviced
1433 by heavy cranes, from ten to fifteen and as high as twenty-five ton cranes. It is a highly skilled floor, where the various types of pans would be made into castings.

Q. The heavy castings were produced on the grey iron floor?

A. Yes, sir. We make castings all the way from twenty-five pounds, probably all the way up to ten thousand pounds on that floor.

Q. Who was the foreman of the grey iron floor?

A. Well, during most of the period of '37, Bill Morley was foreman. He was foreman on that floor up until around—let me see—possibly in November or December of 1937.

Q. Mr. Skeates, did you have any specialized type of employee who was put to work on the grey iron floor?

A. Well, all employees in a foundry are specialized in certain types of work which we classify as departments. Any foundry has different floors as they call it. You have got your heavy floor, you have your bench floor and your machine floor, and in our foundry we have what we call a sprocket floor.

Q. Well, for instance, if you wanted to hire a man to perform an operation on the grey iron floor would you hire any man that had foundry experience or would you ask for a man that had experience in performing the type of work that was performed on the grey iron floor?

1434 A. Well, if I wanted a floor moulder I would request the employment department for a floor moulder. If I wanted a bench moulder I would request a bench moulder.

Q. Would you say that only floor moulders were hired for work in the grey iron floor?

A. Yes, sir.

Q. And bench moulders were hired for work, say, on the sprocket floor and bench floor?

A. No, I wouldn't put a bench moulder on a sprocket floor, but I would put a bench moulder—I would request a bench moulder from the employment department if I needed a bench moulder.

Q. I see. Now, you have here what is known as a steel floor?

A. Yes, sir, that is the steel foundry.

Q. Who was the foreman of the steel foundry?

A. Oleson.

Q. About how many men worked in the steel foundry?

A. Oh, roughly I would say about 25.

Q. What operation was performed in the steel foundry?

A. Well, we have bench moulders and we have floor

moulders and then we have machine moulders. They made cast steel castings. They made the moulds.

Q. As distinguished from iron castings as made on the grey iron floor?

1435 A. Oh, yes, very different.

Q. Were they larger or smaller castings than those made on the grey iron floor?

A. Well, they could be the same as far as weights are concerned. It is a different metal, entirely.

Q. Yes. Now, you have here a department known as sprocket floor?

A. Yes, sir.

Q. Who was the foreman of that department?

A. Grinnis; Charles Grinnis.

Q. How many men approximately worked on the sprocket floor?

A. Well, we have had as high as 15 men through the early part of 1937.

Q. What operation was performed there?

A. Well, they make the moulds on that floor for all size sprocket wheels where they are made in what we consider a chilled equipment; that is a half pattern for the wheel and the chill which makes the teeth of the wheel.

Trial Examiner McCarthy: Is this testimony in connection with the shifting of Paul Novak?

Mr. Seyfarth: And it is in connection with other employees here.

Trial Examiner McCarthy: Or what is his name?

Mr. Seyfarth: Bozurich.

Trial Examiner McCarthy: Paul Bozurich. Didn't 1436 he cover that rather completely on his direct testimony?

Mr. Seyfarth: Well, there were some inaccuracies in his testimony, if it pleases the Examiner. I want the record to be clear on it. That is the purpose for this line of questioning.

Q. (By Mr. Seyfarth.) Now, there is also a department known as the machine floor; is that right?

A. Yes, sir.

Q. Who was the foreman of the machine floor?

A. Bill Siskauskis.

Q. Is he the man that has been referred to here many times during the testimony as "Splits"?

A. Yes, sir.

Q. Just so that the record might be clear in this con-

nection, is there a man known as "Big Splits" and also "Little Splits"?

A. "Splits" is the only definition or nickname that he has ever carried.

Q. There is only one "Splits"?

A. There is only one "Splits."

Q. And that man is Siskauskis?

A. Yes, sir.

Q. Now, there is a department known as the core room, isn't there, Mr. Skeates?

A. Yes, sir.

1437 Q. And who is the foreman of the core room?

A. Al Neiberg.

Q. How many men, approximately, work in the core room?

A. We had as high as 58 men working in the core room.

Q. And I presume that they make cores?

A. Yes, sir, that is their job.

Q. Now, there is a cast iron cleaning room?

A. Yes, sir.

Q. Who is the foreman of that department?

A. Bill Morley at the present time.

Q. Who was foreman during the year 1937?

A. Ed McKinney had most of the year, the early part of the year.

Q. And how many men are employed in the cast iron cleaning room?

A. At the present time?

Q. Yes.

A. About 25.

Q. And then you have what is known as the bench floor; is that right?

A. Yes, sir.

Q. Who is the foreman of the bench floor?

A. Andy Dipple.

Q. How many men were employed on the bench floor?

A. We have had as high as 22 men working on
1438 the bench floor.

Q. And then you have two other floors here known as the roller floor and the squeezer floor; is that right?

A. Well, the squeezer floor is in the same department, as the bench floor. The bench moulders and squeezer moulders are combined in one floor. It is all small class work.

Q. Is there a separate foreman for those two departments?

A. No, sir.

Q. Who is the foreman?

A. Andrew Dipple.

Q. About how many men work under Mr. Dipple on the squeezer and roller floor?

A. Well, he has nothing to do with the roller floor. We were discussing the squeezer and bench floor. The roller floor, why, there is only about two men work on it, and it is part of the sprocket floor. The reason for that is the rollers are made out of metals that are used on the sprocket floor. It is the same kind of metal.

Q. Now, there is also a steel cleaning department?

A. Yes, sir.

Q. Who is foreman of that department?

A. Bill Morley.

Q. How many men are employed there?

A. Well, we have had as high as 54 men in the steel cleaning room. Right at the present time we have about 24.

1439 Q. Now, Mr. Skeates—

Trial Examiner McCarthy: Let us have a five minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Seyfarth.) Now, Mr. Skeates, there has been some reference made during the course of the testimony to a place known as the dog house. Would you kindly tell the Examiner if you know what is referred by the term dog house?

A. Yes, sir. It is a small steel shed we had built on the west side of the foundry to use as a storage shed for castings before they were delivered to the cleaning room, when we built the shed. Then later on we used that shed for flask storage, a carpenter shop and supply and material storage. Then in 1932 we cleaned the shed all out, put a nice floor in it and put in several unit heaters and we set up some bench machines and put moulders to work.

Now, where this shed got its name; the watchman at the front gate picked up a stray dog one morning and took a liking to the dog and he tied it up in this shed, and before he got a chance to take it home someone had stolen the dog, and from then on the thing was referred to as the dog house.

Q. Is it a particularly undesirable place to work?

A. No, sir. The shed was about 50 feet long and about 25 feet wide. It was made of steel plates and had 1440 a sky light in the top of it.

Q. Well ventilated?

A. Yes, sir, doors on both ends gave good ventilation.

Mr. Seyfarth: Mr. Reporter, will you mark these fourteen sheets entitled "Summary of iron foundry," Respondent's Exhibit No. 4 for identification?

(Thereupon, the document above referred to was marked as Respondent's Exhibit No. 4 for identification.)

Mr. Seyfarth: And will you mark these fourteen sheets entitled "Summary of steel foundry," Respondent's Exhibit No. 5 for identification?

(Thereupon, the document above referred to was marked as Respondent's Exhibit No. 5 for identification.)

Q. (By Mr. Seyfarth.) I hand you Respondent's Exhibit No. 4 for identification and No. 5 for identification, and ask you what they are?

A. They are summary sheets made up by the cost department monthly showing the tonnage shipped in good castings from each foundry during the month.

Q. One is for the iron foundry—

A. One is the iron foundry and the other is the steel foundry.

To your knowledge are the figures contained 1441 thereon true and correct?

A. Yes, sir, they are the official records on tonnage.

Q. Now, Mr. Skeates, will you just in a very few words tell the Examiner about the falling off of business in the latter part of 1937?

A. May I refer to a few notes?

We had a very decided drop in tonnage starting at the end or the middle of September, and very definite in October. Our tonnage dropped from 794 ton in March to 532 ton in October. That is a combined report of steel and iron both, total.

Our tonnage dropped from 532 in October to 448 ton in November; from 448 ton in November to 386 ton in December. Our tonnage has dropped to 323 ton in January and 250 ton in February.

Q. When you use the word ton you are relating to the entire output of the foundry; is that correct?

A. Yes, sir, those figures are the combined tonnage of the steel and iron foundry.

Q. Are those in thousands or hundreds?

A. Hundreds.

Trial Examiner McCarthy: What was that again?

Q. (By Mr. Seyfarth.) Were they in thousands or hundreds?

A. Tons—hundred tons.

Q. (By Trial Examiner McCarthy.) Well, in 1442 February was it 250?

A. 250 ton.

Q. 250 tons?

A. Yes, sir.

Q. (By Mr. Seyfarth.) Do you know Paul Bozurich?

A. Yes, sir.

Q. Did you hear Mr. Bozurich testify, Mr. Skeates?

A. No, sir.

Q. Mr. Bozurich testified that while he was with one Markow and one Frank Kohler near the cupola and also in the presence of the crane man that you came over and tried to look at certain cards that were in the hands of some of those present. Do you remember the occasion?

A. Yes, I remember the occasion, yes, sir.

Q. He also testified that you stated, "What are you fellows trying to do?"

Did you ask that question?

A. No, sir.

Q. Will you tell the Examiner briefly what transpired on the occasion when you came to the cupola and saw the man that I have mentioned?

A. I used to at that time make up the heat for the daily heat or order to the cupolas. The cupolas are located in the central part of the foundry. We have a blackboard there. It is not a board. It is part of the framing protecting the cupola men painted black, 1443 and we mark on there the tonnage for the day to be charged and the distribution of the iron. I mark that board up after 12:30. When I was going down to this particular board I noticed Paul and two or three others standing in a group in front of these two cupolas.

Q. (By Trial Examiner McCarthy.) What time of the year was this, can you tell approximately?

A. Well, I don't know exactly, but it was the early part of '37. Possibly it was in May or June, somewhere in there. I am not definite on that.

After I had marked the board, which took me probably a minute or two, in walking back to the center of the aisle these fellows were still standing there, and I just simply said, "Break it up," and I remember Paul made some remark and laughed about it, and Markow made some remark and laughed about it. What they were talking about I don't know.

Q. (By Mr. Seyfarth.) At that time did you use any foul or obscene language whatsoever?

A. I don't believe so.

Q. Did you make any reference whatsoever to the C. I. O.?

A. No, sir.

Mr. Seyfarth: Mr. Reporter, will you mark this sheet entitled "Steel cleaning room," Respondent's Exhibit 6 for identification;

This sheet, entitled "Iron Floor," Respondent's 1444 Exhibit 7 for identification;

This sheet, entitled "Core Room," Respondent's Exhibit 8 for identification;

This sheet, entitled "Apprentices," Respondent's Exhibit 9 for identification;

This sheet, entitled "Carpenters, Pattern Storage, Jamtors, Gaggerman and Office," Respondent's Exhibit 10 for identification;

This sheet, entitled "Charging Floor and Cupola," Respondent's Exhibit 11 for identification;

This sheet, entitled "Sprocket Floor," Respondent's Exhibit 12 for identification;

This sheet, entitled "Bench Floor," Respondent's Exhibit 13 for identification;

This sheet, entitled "Machine Floor," Respondent's Exhibit 14 for identification;

This sheet, entitled "Steel Floor," Respondent's Exhibit 15 for identification;

This sheet, entitled "Iron Cleaning," Respondent's Exhibit 16 for identification;

This sheet, entitled "Night Shakeout," Respondent's Exhibit 17 for identification;

This sheet, entitled "Convertor," Respondent's Exhibit 18 for identification; and this sheet entitled "Pattern Shop," Respondent's Exhibit 19 for identification.

1445 (Thereupon, the documents above referred to were marked as Respondent's Exhibits Nos. 6 to 19, both inclusive, for identification.)

Q. (By Mr. Seyfarth.) Mr. Skeates, I hand you Respondent's Exhibits 6 to 19, for identification, both inclusive, which I shall clip together, and ask you to state for the record what they are.

A. These are the employees of the various departments in the foundry from the 1st of October, 1937, showing the man's number, name, occupation, date of hiring and the date laid off, if laid off, or still working.

Q. Is there a sheet there for every department in the foundry?

A. Every department in the foundry.

Q. Did you have the information thereon obtained for the purposes of facilitating matters at the trial?

A. No, I have had that sheet showing—I have always kept records of those kinds, showing the employment date, and when it was necessary to use a seniority date they were very effective for that purpose.

Q. Is the information contained on these sheets accurate and correct?

A. Yes, sir.

Mr. Wham: What was 6 and 7?

Mr. Seyfarth: I will give you copies, Mr. Rey-1446 nolds and Mr. Wham.

6 and 7 are steel cleaning floor and iron floor, respectively.

I will leave this copy with you, Mr. Skeates, so that you can make reference to it during the course of your testimony.

Q. (By Mr. Seyfarth.) Now, Paul Bozurich testified that on 2 p. m. of November 9, 1937, you said to him, "I am sorry, but due to slack times I will have to lay you off. It is the order of my boss and you and one other are the youngest in the department and you will have to go first."

Is that substantially true?

A. Up to the point where you refer to the order of my boss it is true. I had no orders from my boss to lay him off. I laid Paul off and one other man in his department because we were not getting an amount of work required to keep us busy. Slack work.

Q. Well, you were your own boss, weren't you?

A. Yes, sir.

Q. Did Paul Bozurich at that time say, "How about the other fellow?" meaning the other man that had been laid off with him?

A. No, sir.

Q. And did you state to Paul Bozurich that that was up to the boss?

1447 A. No, sir.

Q. Did you at that time tell Bozurich that there was nothing wrong with his work?

A. I may have told Paul that his work was satisfactory.

Q. Did you tell Bozurich at that time that the C. I. O. had nothing to do with his being fired, "And sooner or later the A. F. of L., C. I. O. or the independents will be here, and I would rather fire some of those suckers at the southern end of the floor"?

A. Paul asked me if—

Q. Just a minute. Did you state that to Mr. Bozurich?

A. No.

Q. Now, do you want to explain?

A. Part of the conversation. Paul asked me if being a member of the C. I. O. had anything to do with his being laid off, and I said no.

Q. As to the rest of the conversation you deny it?

A. It never occurred.

Q. Now, what was Bozurich's job in the foundry?

A. Bozurich was hired in '36. May I refer to this?

Q. Yes, go right ahead.

His name appears on what sheet, Mr. Skeates?

A. The second sheet of this file I have, headed "Iron Floor."

Trial Examiner McCarthy: Identify it for the record.

The Witness: Respondent's Exhibit 7.

1448 Mr. Seyfarth: All right.

The Witness: Paul Bozurich was hired on the 22nd day of April, 1936. He was hired as a floor moulder.

Q. (By Mr. Seyfarth:) Now, how many men did you lay off from the iron floor?

A. At that time?

Trial Examiner McCarthy: Have you got an extra copy of that exhibit?

Mr. Seyfarth: No, I haven't.

Mr. Reynolds: You may look at mine.

Mr. Wham: You may have this. I don't need it.

Trial Examiner McCarthy: I would like to mark it up. Thank you.

Q. (By Mr. Seyfarth.) How many men did you lay off on November 9, 1937?

A. I laid off two men on the iron floor. I laid off—

Q. Just a minute. We are limiting our conversation now to the iron floor.

A. I misunderstood the question.

Two men.

Q. Had you laid off any men on the iron floor previous to that time?

A. Yes, sir.

Q. How many men did you lay off?

A. Three.

1449 Q. Did you take them in accordance with the date on which they had been hired by the Link Belt Company?

A. Yes, sir.

Q. Now, Bozurich testified that he worked at the south end of the grey iron floor at the outset; is that correct?

A. Yes, sir.

Q. Did you have occasion to transfer him to what was known as the sprocket room, also referred to in the record as the side room at any time?

A. Yes, sir.

Q. Will you tell the Examiner briefly the occasion for the transfer?

A. Bozurich was working towards the south end of the big floor. He was working on a job that took a 20 by 20 flask, it could be made in a round flask also, a light casting, weighed around 20 pounds. He worked there on that job for a few weeks, and about that time we received an order, a large order for, say, around 200 pieces of a large casting weighing around eight or nine hundred pounds, which was made in a considerably larger flask, about 44 by 60. It required a lot of space to lay these moulds down. We moved Paul in on the small bay just at the end of the sprocket floor with the pattern and with the equipment he was making. It was not necessary to use a crane on the job, but there was a small two ton crane available if he needed it. We also moved other moulds at 1450 the same time from that section of the floor to make room to set down these larger moulds.

Q. Was that in any respect an unusual operation or transfer?

A. No, we would move. There was no moulder told "Here is your definite floor." He was moved back and forth within his department, depending on the flask equipment or the size of the flask or the height.

Q. Now, you testified that these castings weigh about

25 pounds. Is that accurate; that these worm gear castings weigh approximately 25 pounds or more?

A. I would say around 20, 30 pounds, in around there somewhere.

Q. You also stated that this moving from the south end of the grey iron floor to the sprocket floor took place how long after Bozurich was working for the Link Belt Company?

A. Well, he might have been there five or six months.

Q. You don't know exactly, do you?

A. No, I don't.

Q. Now, was the operation of making the worm gears transferred entirely to the sprocket floor, or was it part on one floor and part on the other?

A. The complete job, the pattern and the flask equipment, was simply moved over a few feet to give us more room on the big bay, in which we had more available space.

We also had to move a lot of flask equipment off of 1451 that spot to make this room.

Q. How many feet would you say that Bozurich was moved?

A. Well, if you take it from south to north, he was probably moved 25 feet. If you take a direct move from east to west, he was probably moved 5 feet. The floor runs north and south. They are also under the same foreman's supervision. He didn't move from the department.

Q. Now, had you received a much larger order for these worm gears—

A. Yes, sir.

Q. —than first anticipated?

A. Well, when the job first started we made as high as 50 on an order. Then we received the order that Paul was working on. It was 200. Before we had completed that order we received an order for 2,000.

The equipment was probably all right for small amounts. We were only getting 8 a day, that was about one an hour, and so we decided that wasn't enough, so we changed the method. We made a new pattern and changed the method of moulding and we raised our production to about 25 castings in five or six hours; and we then needed more space to let these 25 moulds down, and I changed moulds.

Q. Let me ask you, Mr. Skeates; did you have any notion whatsoever that there was going to be a slackening in work at the time that you put Bozurich on the operation of making worm gears?

A. No, I had no idea.

Q. As a matter of fact, your business had increased at that time, hadn't it, due to the fact that you received approximately an order for 2,000 worm gears?

A. Well, I have got some records here showing the time Paul was working on that job, and that was in March and we were very busy.

Q. Did you put Bozurich to work on making worm gears because he was a member of the C. I. O.?

A. It wouldn't make any difference to me what the hell members they were, of any Union. I was there to get work turned out, and if I want to give a moulder a job, I give it to him regardless of what Union or any Union.

Q. Mr. Skeates, did you move Bozurich this 20 feet because he was a C. I. O. member?

A. No.

Q. Do you recall Bozurich being transferred to another part of the grey iron floor after he had been working on the worm gears?

A. Well, that grey iron floor is in the center bay of the foundry and we move moulders up and down.

Paul was moved from the south end of the floor up to the north end at the time we started tearing the building down. We had to group the men and make room for 1453 these workers, and they were all shifted back and forth.

Q. Would you say that Bozurich's work in the side room ceased when the operation of making the worm gears ended?

The Witness: Will you read that question?

(Question read.)

The Witness: Yes, sir. He was moved back into the center bay five feet from where he was working and probably 35 or 40 feet north.

Q. (By Mr. Seyfarth.) The reason for his being moved 35 or 40 feet north would you say was the fact that there was a remodeling or building job going on?

A. Yes, sir.

Q. And it was for the convenience of the production and the men who were engaged in working in the grey iron foundry?

A. Well, it was either a question of sending the men home for a space to work in or move them up and group them closer together, and I took that stand.

Q. Now, Mr. Skeates, during these so-called moves was Mr. Bozurich under the supervision of the same foreman?

A. Yes, sir.

Q. Who was that foreman?

A. Bill Morley.

Q. (By Trial Examiner McCarthy.) All the time?

A. Yes, sir.

Q. (By Mr. Seyfarth.) What was the reason for
1454 Bozurich's lay off?

A. Shortage of work.

Q. Was there a shortage of work in the operation performed or usually performed in the grey iron floor?

A. Well, there was a general shortage of work in tonnage in the foundry. I laid men off in the core room and I laid men off in the iron floor. Drop of tonnage.

Q. Now, a man by the name of Gus Larson was laid off at the same time as Bozurich; is that right?

A. Yes, sir.

Q. Do you have the record there before you?

A. Yes, sir.

Q. When did Larson start to work?

A. The 19th of May, '36.

Q. What was his occupation?

A. He was a floor moulder.

Q. Now, Mr. Skeates, does a bench moulder perform a similar or a dissimilar operation than a floor moulder?

A. Decidedly so, yes.

Q. Decidedly similar or dissimilar?

A. Dissimilar.

Q. Will you tell the Examiner about that, please?

A. Well, a bench moulder works on small patterns. He uses no flask excepting a wooden flask which is a model, and he sets bands in to frame the mould. There is
1455 no flask equipment required on the bench floor. He may have all shapes and designs. The sand that a bench moulder uses is decidedly different than a floor moulder. There is a different method of gating, there is a different of pouring.

Aside from using sand and iron, that is the only thing similar on the two operations.

Q. During your experiences in the foundry have you had occasion to observe the relationship between long continued employment at one certain job and the general efficiency of a man?

A. Yes. I have always felt that if a man works on one particular pattern or job he certainly becomes more efficient than if he is changing jobs and changing patterns.

I believe that is the question, isn't it?

Q. Did you ever know Bozurich to be a bench moulder?

A. Not to my knowledge.

Q. Now, might you have laid off some bench moulders to make room from Bozurich?

A. Well, no. I wouldn't lay off a bench moulder to put a machine moulder or a floor moulder or another moulder into his job; lay that moulder and then have to maybe spend a year or so in trying to make a bench moulder out of somebody.

Q. Would you say that that would disrupt your production?

A. Absolutely.

Q. It would be putting a strange man at a strange 1456 job, wouldn't it, as far as you were concerned?

A. Yes, sir.

Q. Now, did you ever see Gus Larson after that time that you laid him off on November 9, 1937?

A. Yes, sir.

Q. When did you see him next?

A. Three or four weeks after he was laid off Gus Larson came in and asked me for a job. I told him there was no work available for moulders.

He said, "Have you got any kind of work for me?"

I said, "I can give you a job as a laborer on the bench floor." And I hired Larson as a laborer at a laborer's rate of pay: He was originally—

Q. What is the difference in the rate of pay between a bench moulding job and a laborer's job?

A. The hiring rate of pay of a laborer, common laborer in a foundry, is 56 cents an hour. We have bench moulders getting as high as 80 cents an hour.

Q. Did Larson when he was hired as a laborer receive the going rate for laborers?

A. Yes, sir.

Q. Did you have any discussion with Bozurich subsequent to the lay off? After the time he was laid off, Mr. Skeates, did you have any talk with him?

A. No, sir.

1457 Q. That was the last time that you saw him, in the foundry?

A. In conversation, yes.

Q. Yes. Now, Mr. Skeates, when you rehired Mr. Larson did you know of any Union affiliations that he had?

A. None whatsoever. No, I didn't know what Union, if he belonged to any.

Q. Did you rehire Gus Larson because he was a member of any particular Union group?

A. No, sir, I don't know if he is a member or if he was a member?

Q. Now, do you know Stanley Balkauski?

A. Yes, sir.

Q. Balkauski testified here. Were you present during the time he testified, Mr. Skeates?

A. Yes, I was.

Q. Do you recall his testimony that on November 8, 1937, at about 25 minutes to 10 you said to him, "I got the order to tell you not to collect on your own time, or on company property"?

A. I didn't have any orders. I told him.

Q. Well, did you ever tell him not to collect dues on company time?

A. Yes, sir.

Q. Did you mention anything about his collecting dues on his own time?

1458 A. No, sir.

Q. By his own time would you mean noon hours and previous to coming to work and after leaving work?

A. Yes, sir.

Q. You don't care what the men do then, do you?

A. Not interested.

Q. Did you say to him that "The independents are collecting, and if I catch either of them I will fire them."

Mr. Wham: Just a minute. I want to object to that question as being a double question which couldn't be answered yes or no.

Trial Examiner McCarthy: Break it up.

Q. (By Mr. Seyfarth.) Did you state to Mr. Balkauski, "The independents are collecting, and if I catch either of them I will fire them"?

A. No, sir.

Q. What did you state?

A. He told me that the independent union was collecting dues on company time. I said, "It don't make any difference to me if it is C. I. O., independent, or A. F. of L. If I catch them collecting dues on company time I will warn them first, and if I catch them the second time I will fire them."

Q. Now, Balkauski stated that on November 17, 1937, you told the foreman to give him a job wheeling sand and later that afternoon you laid him off and you told
1459 him that you were sorry and if you got more work you would call him back. Is that in substance true?

A. I didn't tell the foreman to give him a job wheeling sand. It was my policy if we run out of work in the core room and needed new sand brought in I gave the man an opportunity to finish his day's work without sending him home.

Now, that is part of the first question.

Q. Yes.

A. He might have been in that. I didn't say "Give Balkauski," or anybody else.

Q. Is it possible that that happened?

A. Yes, sir.

Q. Balkauski also stated that on one occasion you gave him a raise of 44 to 50 cents an hour; is that right?

A. Yes, sir.

Q. Did you deem Balkauski an efficient workman?

A. Well, when I hired Balkauski I made an agreement with him that I would pay him so much, and after a few week's work if he was satisfactory I would give him more money; and I gave him more money.

Q. That was pursuant to your original promise to Balkauski?

A. Yes, sir.

Q. Now, where did Balkauski work?

A. He worked in the core room.

1460 Q. Will you state for the Examiner and for the convenience of the attorneys here on what page the employees of the core room appear?

A. Number 8.

Q. That is Respondent's Exhibit No. 8, is that right?

A. Yes, sir.

Q. When was Balkauski hired?

A. The 4th of May, 1936.

Q. His name is the twelfth from the top of the list, is it not?

A. Yes, sir.

Q. And when was he laid off?

A. The 17th of November, 1937.

Q. Now, was anyone else laid off on the same day that Balkauski was laid off?

A. Five others.

Q. And their names appear on the list, do they?

A. Yes, sir.

Q. B. Krutz was laid off on the same day as Balkauski; isn't that correct?

A. Yes, sir.

Q. When was he hired?

A. The 4th of May, 1936.

Q. That is the same day on which Balkauski was hired?

A. Yes, sir.

1461 Q. Now, Balkauski in the course of his testimony stated that one Stanley Marsh was hired subsequent to the time he was hired and worked until a week ago.

Will you tell us how far from the top Stanley Marsh's name appears?

A. Stanley Marsh is the seventeenth name.

Q. According to your records when was Stanley Marsh hired?

A. 3rd of March, 1936.

Q. Was that prior to or subsequent to the date Balkauski was hired?

A. Prior.

Q. What was the date of Marsh's lay off?

A. 10th of March, 1938.

Q. Now, did you observe the hiring date in determining which men were to be laid off in this core room?

A. Yes, sir.

Q. You made no deviation from that, did you, Mr. Skeates?

A. No, sir.

Q. Did you make any exception to that whatsoever when you kept Norman Parker, a core maker, who was also mentioned in Balkauski's testimony, on the payroll?

A. Norman Parker is not a core maker.

Q. Isn't he so designated here on your list?

A. Well, I can explain Norman Parker.

Q. Well, go ahead and explain.

1462 A. Norman Parker is a young chap that was attending the University of Michigan, and in the summer of 1937 he applied for work during the summer vacation. At the end of the summer vacation he thought he would give up school and would like to stay on as an apprentice. I told Norman Parker that he could stay on in the core room as a candidate for apprentice; if he proved satisfactory I would assign him to the apprentice list.

Norman Parker was never a core maker. He acted in the capacity of a laborer and he cleaned up and he painted cores; that is, he white washed and blackened cores and pasted cores.

Q. What was his rate of pay?

A. He was getting 50 cents an hour.

Q. What was the going rate of pay for a core maker?

A. Well, it run from 61 to 68 and as high as 90 cents an hour.

Q. Now, some reference was made to the fact that Parker's father was an attorney. Is that the fact? Do you know or don't you know?

A. Well, I didn't know until I heard it mentioned in this room.

Q. Then you made inquiry; is that right?

A. Yes, sir, I tried to find out who the lawyer was.

Q. Who was the lawyer?

A. Well, I understand he is on the firm of the 1463 patent lawyers for the Link Belt Company.

Q. He is a patent lawyer for the Link Belt Company?

A. Yes, sir.

Q. Now, what has been the practice of the company regarding the hiring of university men?

A. Well, they hire a lot of students every summer. During the vacation we have had as high as 50 or 60 during the summer vacations.

Q. What is the purpose of hiring them during the summer vacations?

A. Well, at the end of their school term they may be fit to apply and go into the plant as apprentices.

Q. Do you observe them with reference to making permanent employees out of them?

A. Not at the time they are employed in the shop. They may eventually become employees.

Mr. Seyfarth: I don't believe you understand my question.

The Witness: I don't think I do either.

Mr. Seyfarth: Will you read it again?

(Question read.)

The Witness: No.

Q. (By Mr. Seyfarth.) Is it or is it not the policy of the company to get specialists in the field of foundry work?

A. To get specialists?

1464 Q. Yes.

A. Yes, sir.

Q. And to train them?

A. Yes, sir.

Q. Would you say that the purpose of hiring young university men during summer vacation is for the purpose of some day training them to fit into jobs in the Link Belt Company?

A. Yes, sir. I said that in the event when they finish

their school they take up—some of them come back in the plant as apprentices.

Q. Now, when did you hire Norman Parker?

A. The 21st of June, 1937.

Q. When you hired him did you have any knowledge that he would continue his employment subsequent to the ending of the summer vacation?

A. No, sir.

Q. What is the fact about his going back to school that year?

A. Well, when the vacation period was over he just didn't leave, and I asked him what he was going to do, when he was going back to school. I knew that school was opening up soon.

He said, "Well, I don't know if I like school so much. I think maybe I would like to stay and learn the foundry work. I would like to go in the apprentice course."

1465 And from that point on I treated him as an applicant for apprenticeship.

Q. You didn't treat him as a core maker from that time on?

A. No, sir.

Q. Now, had the name of Norman Parker been—strike that.

Had Norman Parker not been working for the Link Belt Company on November 17, 1937, how far down the list would you have got in laying off your men?

The Witness: Read that question, please.

(Question read.)

Q. (By Mr. Seyfarth.) On November 17, 1937.

Well, you would have moved down one place, wouldn't you?

A. Yes. I was trying to think. The thing had me stumped for a minute.

I would have moved just one more man down.

Q. That would have taken Balkauski in any event, wouldn't it?

A. Yes, it would have taken down to 28.

Q. Now, at the time Balkauski was laid off did you know of his membership in any Union organization?

A. That was on the 9th of November.

Yes, I knew he was a member of a Union.

Q. Did that have anything to do with your laying him off at that time?

A. No, sir.

1466 Q. Did you make any exception whatsoever in laying off Balkauski?

A. No, sir. I went by their seniority rights, and that was the only thing I went by.

Q. Do you know John Kalamarie?

A. Yes, sir.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Is this list prepared by seniority?

A. Yes, sir.

Q. For seniority purposes?

A. Yes, sir.

Q. It is not clear to the Examiner. A man is hired at the Link Belt plant for a special job. Does he get his seniority on that job or on the general list?

A. In the department he works in.

Q. I think Paul Bozurich's point was that he was a moulder and his seniority on the moulder's list would be different than what it actually worked out. Is that correct, or can you explain where he is right or is he wrong?

A. In the iron foundry we have—

Q. Of course, his point is that breaking up into different departments is not the usual practice in the foundry business.

A. Oh, yes.

Q. He says he has been in the business since 1916:
1467 Well, I can see that you are the superintendent of one department—

A. The foundry.

Q. —and you have charge of the hiring and firing of these men.

A. Yes, sir.

Q. Why is it necessary to break it up into departments then? Is there any advantage or disadvantage in that procedure?

A. Yes, sir. Any foundry is made in a group of departments of different classification of work under different foremen, and that was the basis of my seniority list; that you can't make a core maker a moulder and you can't make a moulder a core maker—

Q. I can see that.

A. —or a bench moulder or a floor moulder or machine moulder without a great deal of experience; and then disrupting the morale of the department, firing one man and placing another man.

Q. It would seem to the Examiner that this list would be a little simpler if all the core makers in, let us say, the core room, were together.

A. They are, sir.

Q. Well, for instance, in this list you have here a man by the name of Plage as a laborer and sand mixer.

A. Well, he mixes the sand, the core sand for the 1468 core makers in the core room.

Q. You see, my point is, if you had a list of core makers that all do the same kind of work—

A. Yes, sir.

Q. Leave out the laborers, the crane operator, laborer on the oven, the oven tender. I want to know why you have got those included in the list.

A. Because the charge of the department—those laborers and crane men are charged to that department's operation.

Q. But when it comes to lay off they have a different status, do they not?

A. In their department?

Q. Yes.

A. Yes, sir, by their department.

Q. Do you see my point?

A. Yes, sir, I understand. Take that man you mentioned. He is listed as a laborer sand mixer. Well, even in the class of a laborer, I couldn't go to this other floor and pick up a laborer and put him in on his job without some training on that job.

Q. Well, does he have seniority?

Well, he happens to be laid off now, but he only has seniority—

A. As a laborer in that department.

Q. —with three other laborers in that department?

1469 A. In that department, yes, sir.

Mr. Seyfarth: May I proceed, Mr. Examiner?

Trial Examiner McCarthy: Yes, proceed.

Direct Examination (Continued)

Q. (By Mr. Seyfarth.) You say you are acquainted with John Kalamarie?

A. Yes, sir.

Q. Whereabouts does his name appear on your employees list?

A. Respondent's Exhibit No. 6, the first sheet.

Q. The first sheet?

A. Yes, sir

Q. How far down?

Trial Examiner McCarthy: The second from the top.

The Witness: Yes, sir, second name from the top.

Q. (By Mr. Seyfarth.) When was Mr. Kalamarie hired?

A. He was hired the 11th of November, 1935.

Q. And when was he discharged?

A. The 30th of November, 1937.

Q. Excuse me; I meant laid off; not discharged.

A. Yes, sir.

Q. Now, when he started his work do you know what he did?

A. Yes, sir. He was hired as a laborer.

Q. How long was he a laborer.

The Witness: May I refer to my notes?

Trial Examiner McCarthy: Yes.

1470 The Witness: Well, the closest I could say was about around March or April of 1936. Then he broke in as a cutting man or a torch man.

Q. (By Mr. Seyfarth.) A cutting man or a torch man is otherwise known as an acetylene burner, is he not?

A. Yes, he could be.

Q. Now, how long was he a cutting man?

A. He was working on the cutting off crew until around either the latter part of July or the early part of August.

Q. Do you know whether or not at that time he asked for a different job?

A. Yes.

Q. What is the fact of that matter?

A. Well, his foreman came down to me and he said that—

Q. Who was his foreman?

A. His foreman at that time was Ed McKinney.

Q. What did he say?

A. He said, "We are running out of cutting off work," and Kalamarie had applied to him to be broken in as an arc welder, and I told Ed that if he was satisfied that he could break him in as an arc welder it was all right with me. And at the same time he asked me if I thought I could maybe in time fix him up with a little more money.

Q. How long did he work as an arc welder?

A. Well, he worked from around that time until he 1471 was laid off. He was laid off the 30th of November, 1937.

Q. Now, what operation does an arc welder perform?

A. The arc welder performs the operation of arc welding—welding steel castings.

Q. Does he use electricity in the operation?

A. Yes, it is all electricity. He gets all his power or juice from a motor into his arc and it is formed. He heats the rod through the arc and deposits metal into cracks or cavities that we don't like.

Q. There is a distinction, is there, Mr. Skeates, between an arc welder and a gas welder?

A. I always considered them in the sense of two different trades or jobs.

A gas welder is a welder who uses the acetylene torch and oxygen and acetylene to make his weld. He heats the casting and applies the rod or heats the rod into heated metal in replacing a broken section of a casting or building it up.

Q. Does it take a different degree of skill or practice to be a gas welder than an arc welder, and vice versa?

A. Well, all our gas welders are able to arc weld, but our arc welders are not able to gas weld.

Q. Now, would you say that a man who is a gas welder and hence an arc welder is more valuable to you than a man who is just an arc welder?

1472 A. Oh, yes, sir.

Q. Will you explain in just a few words for the benefit of the Examiner how that comes about?

A. Well, if a man was an arc welder and didn't know anything about gas welding, he just couldn't operate a gas welding machine. All of our gas welders have had a great deal of experience or they were boosted from arc welding to gas welding with acetylene and oxygen. It is an entirely different tool.

Well, that is about the explanation, I guess. One of them you heat your arc through motor power and you deposit metal, hot metal on the castings in building up and filling up holes or closing up cracks. The other one you heat your rod through the gas, acetylene and oxygen, and preheat your casting first, and it is much more difficult.

Q. Much more difficult?

A. Yes, sir.

Q. To be a gas burner or a gas welder?

A. Gas welder. And practically all our gas welding is done on iron. There is very little gas welding done on steel castings.

Q. But there is some gas welding done on steel castings?

A. Yes, some; but very little. We do our arc welding prior to annealing steel castings.

Q. Now, in arc welding do you heat the castings?

1473 A. No, you heat your—

Q. You heat your metal, don't you?

A. You heat your rod that you are filling in.

Q. Whereas, in gas welding you preheat the metal?

A. You must preheat your casting to certain temperatures.

Mr. Seyfarth: I see it is 12 o'clock.

Trial Examiner McCarthy: Yes, just a minute. Coming back to this exhibit, it is not clear to the Examiner just how this list is made up.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) The Examiner notices that, for instance, on the steel cleaning room—

A. Yes, sir.

Q. —a truck driver by the name of Kalina was hired November 22, 1936, and was laid off.

As I understand it, you hire and fire men by the classification of their work.

A. Yes, sir. He comes under the heading of laborer. He is a skilled higher degree laborer. These trucks that we refer to here are gasoline trucks.

Q. Here is my point, Mr. Skeates. When it comes to lay offs, how do you determine whether that truck driver is to be laid off? It seems to me he is the only truck driver on the cleaning floor and, being the only one, he would be probably one of the last men to leave.

1474 A. We have one left.

Q. Is there one below?

A. There is another sheet on the iron cleaning floor in which there is also a truck driver. We had two truck drivers.

Q. You mean the next sheet over?

A. No, sir. I will find it for you.

Mr. Wham: That would be No. 7, would it, or would it be No. 6?

The Witness: The heading is Iron Cleaning Room.

Trial Examiner McCarthy: Iron cleaning?

The Witness: It is No. 16. C. Engstrom was hired on October 19, 1928.

Q. (By Mr. Seyfarth.) How far from the top of the list does his name appear?

A. Well, let us count it from the bottom. It is the tenth from the bottom.

Q. That is C. Engstrom?

A. Yes, sir.

Q. Were you able to combine the truck drivers' activities in both departments?

A. Yes, sir, with the low tonnage.

Q. (By Trial Examiner McCarthy.) So when the work slackened Engstrom could do the work for both of them?

A. Yes, sir, with the decreased tonnage.

Mr. Seyfarth: May we have an adjournment?

1475 Trial Examiner McCarthy: Yes. Let us make it one thirty.

Mr. Seyfarth: Very well.

(Thereupon, a recess was taken until 1:30 o'clock p. m.)

1476 After recess.

FRED B. SKEATES, a witness recalled by and on behalf of the Respondent, Link Belt Company, being previously duly sworn, resumed the stand and was examined and testified further as follows:

Direct Examination (Continued).

Q. (By Mr. Seyfarth.) Now, at the recess, Mr. Skeates, you were telling us about arc welders and gas welders and degrees of skill necessary to be an arc welder or a gas welder.

Now, I ask you to examine your list of employees, on the sheet on which the name of John Kalamarie appears, and I will ask you if there were any other arc welders laid off either on the same date as Kalamarie or prior thereto?

A. Yes, sir, there was one other man who was classed as an arc welder, a man named Novak. He was laid off practically the same time, or one day prior to Kalamarie.

Q. He was laid off one day previous to Kalamarie?

A. Yes, sir.

Q. When was he hired?

Q. He was hired on June 22, 1936.

Q. Now, at the time of Kalamarie's lay off was there any other arc welder in the foundry?

1477 A. There were two other welders. They were combination welders.

Q. Who were they?

A. S. Diskis, whose name appears third on that same sheet—

Q. When was he hired?

A. He was hired on the 22nd of June, 1936.

Q. When was he laid off, if you know?

A. He was laid off the 5th of January, 1938.

Q. Is it the fact that this man had more of a utility to you than Kalamarie?

A. Yes, sir. If I had laid off Diskis at the time I laid off Kalamarie I would have had no gas welder; I would have had no man available that could have done gas welding. This man was capable of doing both kinds of welding.

Q. Well, since the date of his lay off, that is on the 5th of January, 1938, what have you been doing for a gas welder there?

A. Well, there is another gas welder down on the same sheet. He is the thirteenth from the bottom of that sheet, a man named Murphy. He was hired on the 28th of August, 1933. He is a gas and arc welder.

Q. Between November 30, 1937, the date of Kalamarie's lay off, and the 5th of January, 1938, did you have need for two gas welders in the steel cleaning room?

A. Well, yes. I laid off all the arc welders and kept 1478 on the arc and gas welders because if I had laid off the gas welders and held onto the arc welders, when the emergency arose I wouldn't have had a gas welder.

Q. How many arc welders, that is men who were adept only to arc welding, did you keep, if any?

A. I didn't keep any.

Q. Is there a Joe Tomas who was classified as a gas welder?

A. Yes, sir.

Q. What sheet does he appear on?

A. His name is under the heading of iron cleaning on Exhibit No. 16.

Q. When was he hired?

A. He was hired on the 17th of August, 1936.

Q. When was he laid off, if at all?

A. He was laid off the 11th of March, 1938.

Q. Did Diskis, who was an arc and gas welder have any more—strike that.

I believe you stated in your testimony that any man who was a gas welder could do arc welding; is that right?

A. Well, any of the men we had could do—any of our gas welders had been experienced arc welders. I wouldn't say that every gas welder could be an arc welder.

Q. I am confining my question to those who work in your foundry.

A. Yes, sir.

1479 Q. (By Trial Examiner McCarthy.) Is a high degree of skill required in welding of gas—

A. Gas welding.

Q. —or with electricity?

A. Gas, especially. The arc welding is merely a form of filling up cavities in the castings; shrinkholes, or cracks. There is no finish required to it.

Q. (By Mr. Seyfarth.) Whereas, a gas welder has to piece broken parts together, does he not?

A. Yes, sir.

Q. And he has to finish them off properly?

A. Yes, sir.

Q. And would you now state that it requires more skill to be a gas welder than an arc welder?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) How long does it take to train a welder?

A. You can make a fairly good arc welder in five or six months. I believe it takes a year to make a good gas welder.

Q. (By Mr. Seyfarth.) Now, the name of one Tony was mentioned in the testimony of Kalamarie as being a burner who was hired subsequent to him, that is, Kalamarie, and who was laid off within a week or two of when Kalamarie testified. Did you know who Kalamarie had reference to when he mentioned Tony?

1480 A. It is hard to say who he meant by Tony.

Q. Well, do you know whether or not he had reference to Anthony Melcoskey?

A. Well, I know Melcoskey's name is Anthony, and he is probably called Tony.

Q. Was he in the same department as Kalamarie?

A. Yes, sir.

Q. Is he the only Tony in the department that ever does any cutting?

A. Well, if he means Melcoskey, Melcoskey was hired as a laborer, and he worked at laboring for several months

and then he was put in on burning, cutting off risers. He never done any welding.

Q. Now, where does Melcoskey's name appear on the list entitled Respondent's Exhibit 6?

A. He is the last man to be laid off on that laid off column.

Q. What is his classification?

A. Chipper.

Q. Did you know him as a chipper?

A. Yes, sir.

Q. Did he receive a chipper's wage?

A. Yes, sir.

Q. Now, Kalamarie also mentioned the name of one Stanley Kouna. Have you got his name on your list, Respondent's Exhibit 6?

1481 A. Yes, sir.

Q. Where does his name appear, sir?

A. He is the seventh or sixth name above Melcoskey. I think that will get it quicker.

Q. How was he classified?

A. Kouna was hired as a laborer, and the day he was laid off he was paid as a laborer.

He has had some experience in burning or cutting off risers. We have had occasions when the chippers would catch up to the burners; in other words, the chippers would get up to the point where the burners were behind them, and I think at some time or other this man was used as a cutting off man. There is no skill required in that work.

Q. Would you say that both Melcoskey and Kouna were not in the classification of burners?

A. They were not experienced burners. They had nothing to do with welding.

Q. Would you say that they knew enough about acetylene burning to do a job when they caught up with the chippers?

A. Yes, sir.

Q. Or I mean when the chippers caught up with the burners.

A. When the chippers caught up with the burners, yes, sir.

Q. Was that more or less of a common practice in your foundry?

1482 A. Yes, sir.

Q. Do you suppose the foreman of the steel clean-

ing room would know exactly how much cutting or burning they did?

A. He would have a much better idea than I would about it, yes.

Q. Now, Mr. Skeates, there are times, are there not, when following the strict seniority rule, so to speak—and when I say seniority rule I mean laying off men in the inverse order in which they are hired—might work a hardship on the production methods of your foundry; isn't that right?

A. Yes, sir.

Q. Will you tell the Examiner in a very few words how that might come about?

A. Well, if we got to a point where if we had to lay off according to the hiring date or the seniority, if we had to lay off all core makers and keep on all laborers and green men in a department, we would just have to cease production in that department. Certainly we would have to hang on to some of our producers, and we would probably have to go down to the point where we would lay off the last crane man; in other words, to even up the department. That would be true also in the moulding; we would have to reach a point where you would have to lay a man off that wasn't quite as experienced as a more experienced man. Sometimes you employ a new man and he is a 1483 better worker than fellows you have had for years.

But I have never reached that point yet. We have been able to stick to our seniority lists.

Q. Now, would you say that the reason why Kalamarie was laid off was that he was an arc welder and did not have the utility to you that a gas welder would have at that particular time?

A. Yes. Our tonnage had dropped to the point where we didn't require that many arc welders and we maintained men that were combination welders; arc and gas welders. Kalamarie had done no gas welding and he was not capable of gas welding.

Q. Now, did you know whether or not Kalamarie had any Union affiliations?

A. I didn't know. I had no definite reason to know. I had heard rumors that Kalamarie visited Mr. Berry at his office on one occasion, as a committee or something, but I didn't know he was a member of any Union.

Q. Did you ever ask whether or not Kalamarie was a member of any particular Union?

A. No, sir. I wasn't interested.

Q. I believe he testified that he was a member of the C. I. O. At the time of the lay off did you know that he was a member of the C. I. O.?

A. I didn't know if he belonged to any Union. I wasn't interested.

Q. That is not answering the question.

1484 Q. Did you know he was a member of the C. I. O.?

A. No, sir.

Q. Did the fact of Union affiliation in any manner have anything to do with the laying off of Kalamarie?

A. No, sir.

Q. Now, I direct your attention, Mr. Skeates, to the cases of Mike Karobl and Nick Cumorich. Do you know those two men?

A. Yes, sir.

Q. Where were they employed?

A. They were employed in the cleaning room, night gang.

Trial Examiner McCarthy: Steel cleaning?

The Witness: Well, they are not on this list, sir. They were discharged in May.

Mr. Seyfarth: They were discharged for cause. It is only the lay offs that appears on the list.

Q. (By Mr. Seyfarth.) Why was it that Mike Karobl and Nick Cumorich were discharged, if you know?

A. Well, yes, for incompetency. They didn't respond. They didn't do a day's work. They were warned about it and they paid no attention to the warning; they just simply done as they pleased, and that is why they were discharged.

Q. Did you ever warn either of them?

A. No, sir, I didn't.

Q. Do you know whether or not an examination was made as to their labor cards prior to discharging them?

1485 A. Yes. Their foreman came down to me on two or three occasions and complained about their work.

Well, I don't always take the foreman's story on a question of a man not doing the work right the first time. I want some evidence on it. I told the foreman to check on them and he came during the nights and he came during the nights and investigated their work and he had their time cards checked the next day, and the evidence showed that they weren't doing within thirty per cent of the work.

that the rest of the men in the department were doing; and when I got that information I discharged them.

Q. That is, you gave your assent to the foreman's discharging them; is that right?

A. I approved it, yes, sir.

Q. Now, do you know whether or not Karobl or Cumorich or either of them ever earned any bonus?

A. I don't believe they have ever earned a bonus for work turned out.

Q. Will you tell in just a few words the Examiner what system you have there regarding bonus for extra work that was done?

A. Well, they were working on a piece work system, allowed so much to do a job. If they do in the work in less time than what they are allowed, they receive a bonus on it. All our night employees are also paid a 5 per 1486 cent bonus for night work. It is not for doing any

harder work or any more work, but to compensate them for night labor. And they are also paid a bonus for overtime work. The cleaning room was working nine hours a day and paid overtime after eight hours, time and a half. Any bonus they showed on their pay checks were probably bonuses for overtime and the 5 per cent for night work.

Q. Do you know of any bonus that they received for work or efficiency performed during their working hours?

A. I don't, no, sir.

Q. And you say their efficiency, according to your examination of their time cards, was about 30 per cent of the average?

A. Yes, sir.

Q. Did you know that Mike Karobl was a member of any Union—

A. No, sir.

Q. —at the time you talked to his foreman?

A. No, sir.

Q. Did you know that Nick Cumorich was a member of any Union at the time you talked to the foreman?

A. No, sir.

Q. Did any Union affiliations that either of these men might have had have anything to do with their discharge?

A. No, sir.

1487 Q. Do you know Joe Sukorich?

A. Yes, sir.

Q. Stanley Balkauski testified that an incident occurred

with Joe Sukorich which led to your taking the two of them up to see Mr. Berry. I wonder if you will tell the Examiner in a few words about that incident?

A. This man Joe Sukorich is a core maker. He worked in the same department with Stanley Balkauski. And sometime in, I think it was August or September Sukorich asked me for a raise. Well, it was just shortly after we had given four or five horizontal raises, and I told Sukorich that the time was not ripe for any more money and I just couldn't give him a raise.

About two weeks later he came in my office in the afternoon and wanted to know why Balkauski got a raise and he didn't. I asked Sukorich who told him that Balkauski got a raise, and he said Balkauski did.

Well, I said, "Joe, you go out and get Stanley and both of you come back in here." They came into my office and I asked Stanley why he told—asked Balkauski why he told Sukorich that he got a raise. Well, he said he didn't say so.

I said, "Either one of you two men are lying." I said, "Joe, who told you Stanley got a raise?"

He said, "Stanley did."

1488 Well, then Stanley said, "I was only kidding about it." But there had been a lot of agitation in the shop, there had been some raises given at various times, and everybody thought that they should have a raise.

Well, I didn't like that idea at all; somebody going and saying that "He got a raise, and I didn't," and in my impression it was just simply trying to stir up trouble.

Q. Did you then take the two men to Mr. Berry's office?

A. Yes, sir.

Q. Now, Dominick Pronsktes testified that you took him off his job as moulder's helper and put him on a job at the bench making loose castings. Is that the fact?

A. Yes, sir.

Q. At the time you put him on a different job did you have any knowledge or information that he was a member of any particular Union group?

A. No, sir.

Q. This was simply a production move, was it?

A. Well, this Pronsktes, he was hired as a helper, and he had had the previous experience over in one of the other foundries at some time as a moulder, a bench moulder, and I talked to him and asked him if he wanted to change, if he thought that he would care to go back to

bench moulding, and I considered it a move where he might better himself. I started him off and gave him a 1489 chance three or four months at bench moulding, and he came along fairly well. He is not yet an experienced bench moulder, but he got more money out of it, and it was just a move for him.

Mr. Seyfarth: You may cross examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Now, a few questions about the occupations shown on these various papers. For instance, Mr. Kalamarie is shown as an arc welder. Now, it further shows that he was hired on the 11th day of November, 1935. Does that mean that he was hired as an arc welder on November 11, 1935?

A. No, sir, that is his first date of employment in the foundry of Link Belt Company.

Q. Then every time a man is shifted from one occupation to another out there his seniority starts all over again; is that right?

A. It starts in the work that he is occupying, or work that he is doing.

Q. Yes. How long have you had that system of seniority?

A. Well, we have had it since about in April or May sometime.

Q. Of this past year, is that right?

A. Yes, sir.

Q. Paul Bozurich's work you would classify as the most skilled moulder's job in the foundry, would you not?

1490 A. Yes, a floor moulder.

Q. Is it not understood that the most experienced moulder in your foundry would be able to do any of the other jobs?

A. No, sir.

Q. Any of the other moulding jobs?

A. No, sir.

Q. In the great majority of cases isn't it true that the most experienced moulder has gone through the other stages; the sprocket floor, the bench floor and the steel floor?

A. Not necessarily, no, sir.

Q. You knew that Paul had been a moulder for some 20 years or more, didn't you?

A. I knew he had been a moulder.

Q. You had his references, didn't you, from the office?

A. I didn't have them. They were on file in the employment department.

Q. Well, you knew, as a matter of fact, that Bozurich could do the work in these other parts of the moulding floor, didn't you?

A. No, sir, I did not. When I asked for a floor moulder they hired Bozurich for me.

Q. Prior to the time you laid off or discharged Bozurich you transferred a group of men who were on the grey iron floor to some other floors, didn't you?

A. No, sir.

1491 Q. Don't you ever transfer men around in the foundry?

A. The only men we transfer around from one department to another is our apprentices.

Q. Yes. Your apprentices do the same kind of work as other men in the same department where they are working, do they not?

A. They work six months in a given department. Then they move from one department to another to cover a period of four years' apprenticeship training.

Q. They are given special consideration by the company then, is that right?

A. What do you mean by that?

Q. Insofar as seniority rights are concerned, they are in a different classification than the others?

A. Yes, sir. They are not considered a productive man. We don't expect any production from these apprentices.

Q. Why did you change your system of seniority last April or May?

A. It wasn't necessary to have any seniority prior to that time.

Q. What do you mean by that?

A. Well, it wasn't necessary to follow any seniority rights. If you hired a man as an experienced moulder and he petered out on you and wasn't an experienced moulder, you didn't have to keep him.

1492 Q. Before last April you never transferred men from one place to another?

A. Apprentices, yes.

Q. That is all?

A. Yes.

Q. How about Kalamarie? He was not always an arc welder, was he?

A. Kalamarie asked for that privilege of becoming an arc welder.

Q. Didn't he also ask if he couldn't do the job or arc welder that he would like to go back as a burner?

A. Not me, no, sir.

Q. Well, as a general thing wouldn't you put a man back on a job he could do if the work ran out on a more skilled job?

A. We had no work for burning. If I had made an agreement with Kalamarie or anybody else under this condition I would have stuck to my agreement.

Q. But after he was laid off or discharged there were at least three other men in that department that did burning work?

A. Yes, sir.

Q. Three other men with less seniority than Kalamarie as far as the time of starting employment with the company is concerned; Melcoskey, Kouna and Cassani?

1493 A. Kouna and Melcoskey were not cut off men.

When I said that they had some experience, it was when we were probably busy. Our cutting off has been done since then by F. Kubicke, who was hired the 23rd of December, 1912, and George Lackhouse, who was hired the 8th of May, 1934.

Now, there may have been occasions that to get enough work ahead for our chippers we might have had to take a man, but he was not kept on the job permanently for any great length of time.

Q. The fact is about your present policy that if a man is promoted to a somewhat more skilled job his seniority is lost so far as all the time he spent previous to that time?

A. No, sir. He may be changed in his own department to a higher skilled job; his seniority rights don't change. That is why I don't move them from one department to another.

Q. But his own department is what you choose to call it at any particular time, isn't it?

A. Yes, sir.

Trial Examiner McCarthy: Mr. Skeates, would you mind putting your foot down?

The Witness: I am sorry. It is a habit.

Q. (By Mr. Reynolds.) For instance, in the steel cleaning room according to your definition of a department you have got about seven or eight departments in there?

1494 A. No, sir.

Q. Well, your arc welders, that is one department; isn't it?

A. It is a special work in that department.

Q. Yes, and the seniority of the arc welders is only among themselves and not as to any other employees in the steel cleaning room?

A. That is right.

Q. And that policy has been enforced since last April?

A. Yes, sir.

Q. The laborers are another department in there?

A. Yes, sir, unskilled labor. It is not a department; it is a classification of that department.

Q. If a laborer with 15 years' seniority were promoted to an arc welder and laid off two weeks later because there was no more work for the arc welders, his 15 years wouldn't mean anything to him?

A. A laborer with 15 years' seniority wouldn't be an arc welder, because he wouldn't be a laborer 15 years.

Q. I am just speaking—

Trial Examiner McCarthy: That is just an illustration. Say 5 years.

Q. (By Mr. Reynolds.) That is my illustration. Would that be true?

A. Not necessarily, no, sir.

Q. Well, what would be done with him then if the 1495 work for the arc welders ran out and there would be no more work?

A. I think the 15 years illustration would be too great. Trial Examiner McCarthy: Let us say 5 years. Would it be the consideration?

The Witness: Let me get this straight again.

A laborer with 5 years' seniority would be transferred to be an arc welder. When he transferred from laborer to arc welder his wages go up about 15 cents an hour.

Q. (By Trial Examiner McCarthy.) How about his seniority?

A. He goes into the seniority of the arc welders.

Q. (By Mr. Reynolds.) And if the arc welders' work ends in two weeks, he is out of a job?

A. If they what?

Q. If the arc welders' work ends in two weeks, the laborer is out of a job?

A. I don't think that we would make any change like that if we couldn't see more than two weeks' work ahead.

of us. I can tell for six weeks what the production is ahead of the foundry.

Q. By what are you guided with reference to giving men vacations?

A. Years service.

Q. That has no reference to the particular job he happens to be on, does it?

A. That is a company policy, I guess. I have 1496 nothing to do with vacations.

Q. Yes. Can you show me any written company policy stating that the seniority shall be figured on the basis that you have given us here today?

A. I can't show you, no, sir.

Q. No. That is a policy that was adopted after the Independent Union of Craftsmen came on the scene and the C. I. O. was on its way out, wasn't it?

A. I don't know if that was the reason for it or not.

Q. You have got a good idea that that was the reason for it though, haven't you?

A. I don't have an idea, no, sir.

Q. Do you remember that Bozurich asked you why he was not transferred over to one of the other floors; the bench floor?

A. No, sir.

Q. Didn't say anything to that effect?

A. He didn't ask me to be transferred, no.

Q. What did he ask you?

A. He said there were other men in the foundry that were hired after he was, and I told him that that was probably true, but he couldn't go and be a core maker or he couldn't go and work in some other department because he was not skilled in that line.

Q. Didn't he say there were other moulders there with less seniority than his?

1497 A. Not in his department.

Q. You mean the grey iron floor, don't you?

A. Yes, sir.

Q. Had any of the employees ever heard of this policy of limiting seniority rights to one little segment of the moulding department or the foundry department?

A. I don't know.

Q. (By Trial Examiner McCarthy.) Didn't the man know what his rights were?

A. Well, I don't know just how to answer. I don't know if he is interested in that.

Q. I should think he would be very much interested.

A. Unless it comes time to lay off, or something. They know what their rights are as to vacations.

Q. That is a year's employment?

A. Yes, sir.

Q. (By Mr. Reynolds.) Was that policy ever announced, the policy of limiting seniority rights to one particular corner of the foundry?

A. It is not limited to any one particular corner of the foundry.

Q. Well, the grey iron floor is one segment of the foundry, isn't it?

A. Certain kinds of work.

Q. Certain kinds of work?

1498 A. Yes, sir.

Q. And the men on that floor are the most skilled in the foundry?

A. They are the most skilled in that particular kind of work.

Q. They are the most skilled moulders in the foundry; isn't that a fact?

A. Well, now, we have skilled moulders on the bench floor and the machine floor that are highly skilled in that particular kind of work.

Q. Yes, but isn't it commonly accepted in the industry that moulders on the grey iron floor represent the highest skilled labor in the foundry?

A. It depends on what kind of a foundry I should say.

Trial Examiner McCarthy: Generally speaking. I think the testimony is to that effect, that the grey iron floor was the heavy work and the highest skilled.

The Witness: That is right..

Trial Examiner McCarthy: And the sprocket and bench—

The Witness: In the classification of castings, the heavier kind of castings are made on the grey iron floor with different kinds of equipment. The equipment used on the grey iron floor or big floor as they call it in most foundries is entirely different from that used on the bench floor or machine floor, a different method of moulding.

1499 Q. (By Mr. Reynolds.) Mr. Skeates, in your experience in the industry wouldn't you say that it is a fact that you attempt to keep your most skilled and most highly trained men as long as possible if their seniority justifies it?

A. If their seniority justifies it?

Q. Yes.

A. Yes.

Q. And before last April, if your new policy commenced then, you would frequently shift a man from one spot to another rather than to lose his services entirely; is that correct?

A. No, sir, we never had to do that.

Q. Never had to before last April?

A. No, sir.

Q. (By Trial Examiner McCarthy.) How about in 1932? In that depression of '32 didn't you have a similar condition?

A. No. We went down—now, I can't speak, because I wasn't the head of the foundry.

Q. Well, generally speaking.

A. But we went down to the number of men that was required for the tonnage we had, and got down in 1932 where we had men that had been with us since 1900 and 1910 and all through there.

Q. Those men had to be laid off?

A. No, sir, they were the ones that stayed with us.
1500 Trial Examiner McCarthy: Oh, yes.

Q. (By Mr. Reynolds.) Now, are you familiar with the type of castings that Paul Bozurich made?

A. I think I am, yes.

Q. All right. Describe the different types of castings that he made.

A. That would take me all afternoon.

Q. Yes.

A. He worked on many types of patterns; sprocket wheels, worm gears, pillow block bases, caps.

Q. In other words, he did the same kind of work that will be found performed on the bench floor and the sprocket floor at times?

A. Larger type.

Q. Larger types?

A. Yes, sir.

Q. Sometimes, however, he would do exactly the same type of thing that might be done on the sprocket or bench floor; isn't that correct?

A. Not if I knew it he wouldn't, no.

Q. Why?

A. Because we would be losing money on it.

Q. (By Trial Examiner McCarthy.) Well, will you

explain that? Do you pay him more money than you pay bench moulders, for instance?

1501 A. No, bench moulding is a different type of pouring. They pour by hand, where on the floor you pour a ladle with a crane. You need a crane and you need a skimmer on the ladle, which isn't required on the bench floor.

Q. (By Mr. Reynolds.) However, that has nothing particularly to do with skill, does it? Isn't that merely a labor saving device?

A. You have a different method of making a mould on the bench floor that I don't think Bozurich knows anything about.

Q. Why do you think he doesn't know anything about it?

A. Because as far as I could find in his application, he never stated he was a bench moulder. He was hired as a floor moulder.

Q. Do you have his application?

A. No, sir, I don't.

Q. Don't you think that a man that has been around foundries for 20 years would know about all the types of work that are done there?

A. Well, he might. I don't know.

Q. If he gets to be a grey iron moulder?

A. Well, a grey iron moulder don't mean anything, as far as that is concerned. Anyone that works in an iron foundry is a grey iron moulder.

Q. Well, you knew as a matter of fact that Bozurich could do these other jobs, didn't you?

A. No, sir, I did not.

1502 Q. Didn't you have any idea judging from the type of work that he was doing whether he would be skilled enough to do the other jobs?

A. I don't see how I could form any opinion or idea from that. I couldn't transfer Bozurich to the bench floor and then lay off a bench moulder and break up the morale of the department and tie up production for doing that. He was working in a given department that we have operated for 40 years or more, and that is the set up of any foundry. Your big floor, your machine floor, your bench floor; those are separate departments within that foundry.

Q. Do you think it would have more tendency to break up the morale of your bench floor to transfer a man with more seniority from a more highly skilled job to the bench

floor or discharge your more highly skilled man and lay him off rather than to put him on a job that he can do.

The Witness: I am sorry. I didn't follow you all the way through on that.

Trial Examiner McCarthy: Read the question, back, please.

(Question read.)

The Witness: Well, I couldn't transfer the man from the bench floor to put—

Trial Examiner McCarthy: I think the question is if you transferred him from the grey iron floor to the bench floor.

1503 The Witness: No, he said transfer a man from the bench floor so that I could transfer a man from the big floor to take his job on the bench. I would have to lay the man off.

Trial Examiner McCarthy: Well, restate the question.

Mr. Reynolds: Very well.

Q. (By Mr. Reynolds.) How many bench moulders do you have?

A. Well, I can tell you very definitely. There is 14 moulders on the bench floor. About three of those are exclusively bench moulders and the rest of them are squeezer moulders.

Q. They all didn't start as bench moulders; is that correct?

A. This Pronsktes didn't start as a bench moulder.

Q. He started as a squeezer, didn't he?

A. He started as a laborer.

Q. As a laborer?

A. Yes, sir.

Q. And he was a squeezer, wasn't he?

A. No, he was never a squeezer moulder.

Q. Now, did he start as a laborer on the 28th day of April, 1936?

A. Yes, sir.

Q. How does it happen he gets credit for the time he was a laborer then as a moulder?

A. That is his original day of hire.

1504 Q. (By Trial Examiner McCarthy.) Well, this exhibit then doesn't show his seniority as a moulder?

A. That is his seniority rights in that department that he is working in as a moulder and that is his original day of hiring.

Q. As a laborer?

A. As a laborer. But he has long since been a laborer. He is now a bench moulder.

Mr. Seyfarth: Was he a laborer on the bench floor?

The Witness: No, sir.

Q. (By Mr. Reynolds.) Now, suppose some of these other men became bench moulders after Pronsktes did; he would still have seniority over them because he was a laborer before they became a bench moulder; is that right?

A. In the department he is in at present, yes, sir.

Q. (By Trial Examiner McCarthy.) Then you do take into consideration the fact that he was a laborer in his seniority?

A. Yes, sir.

Q. I thought the testimony was the reverse of that.

A. In the department he is working in. That date applies in the department he is working in there.

Q. (By Mr. Reynolds.) How about Kalamarie then? Isn't he in the chipping department?

A. He was in the cleaning room. The arc welders are stationed in the cleaning room.

1505 Q. But the cleaning room is not a department; is that right?

A. Yes, the cleaning room is a department.

Trial Examiner McCarthy: Steel cleaning?

Q. (By Mr. Reynolds.) Steel cleaning room?

A. Yes, sir.

Q. That is a department?

A. Yes, sir.

Q. And the seniority is figured in there on the basis of when the man started to work for Link Belt Company?

A. The work he was doing at the time.

Q. At the time you had these pages typewritten; is that right?

A. No, sometime in April.

Q. What date in April?

A. Well, I don't know just what date it was.

Q. When was the policy decided on? Were you in on the meeting or was the policy decided on here a week or so ago when you were fixing up a defense to this case?

A. No, sir. Every man has been laid—

Mr. Seyfarth: I object to the question.

Trial Examiner McCarthy: Sustained.

The Witness: Every man was laid off was laid off in seniority rights and we started first laying off for lack of

work on the 8th of October. That was the first lay off we had since 1930.

1506 Q. (By Mr. Reynolds.) Yes, but when did you decide on your theory of laying off?

A. As arc welders or anyone?

Q. Yes, as anything. When did you formulate your theory? You say it was in April. I want to know the facts about it.

A. I don't quite understand you, I don't think.

Q. (By Trial Examiner McCarthy.) You say that this list was made up on the work the men were doing in April, is that correct?

A. No.

Trial Examiner McCarthy: As the exhibit stands there there is no reference in the exhibit about April or what you based it on. We are trying to find out the basis for the list. It is apparently the inauguration of a new policy.

Mr. Seyfarth: Mr. Examiner, if I might interject this, the policy of following strict seniority of course came about when the Wagner Act was declared constitutional, and that is how the witness, I believe, fixes the date or states the date of April.

Trial Examiner McCarthy: He hasn't said that yet.

Along about April 12th? The Wagner Act was upheld by the Supreme Court on April 12, 1937.

The Witness: That is right.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) How long 1507 after April 12th did you establish this policy; a couple of days afterwards or a week afterwards?

A. Well, when I knew that it was necessary that if we had occasions to cause a lay off due to lack of work we would have to lay these men off in their seniority rights.

Q. When did you establish that?

A. When it first became necessary.

Q. It apparently became necessary after April 12th?

A. I knew at that time it would become necessary to do it, it would become necessary to follow the rights when we started laying men off due to lack of work, which was in October. I stated before that we have stuck to the seniority rights as much as we could and we have stuck to them, but where it becomes necessary if I have to lay a man off with seniority rights that was doing other work, I couldn't lay

off all of my one type of men to not lay off this man instead.

Q. I understand that, but you said in your testimony that this list was made up, if I understand it correctly, based on the type of work the man was doing in April, 1937; is that correct? I think you spoke of Kalamarie.

A. Well, I knew that in April, that it would be necessary to stick to seniority in lay off.

Q. Board's counsel asked you about Kalamarie.

A. Yes, sir.

1508 Q. He apparently started out a laborer?

A. Yes, he was originally a laborer.

Q. But in April, 1937, he was an arc welder; is that it?

A. Yes, sir.

Q. And, therefore, you are taking as the basis for his seniority his status as of April, 1937; is that correct?

You might be able to explain it.

A. In that particular case I couldn't lay off a gas welder and an arc welder and save Kalamarie.

Q. I understand that. We are not talking about lay offs now. We are talking about the base upon which you predicate your seniority rights.

As I understand it, Kalamarie was hired November 11, 1935.

A. Yes, sir.

Q. He was hired as a laborer?

A. Yes, sir.

Q. But in April, 1937, he was an arc welder.

A. Yes, sir.

Q. And you are determining his seniority—

A. In August, 1937.

Q. —from then on; is that correct?

A. In August, 1937, he became an arc welder.

Q. Then he was not an arc welder in April?

A. No, sir.

1509 Trial Examiner McCarthy: I suppose it will develop. It is not clear to me yet.

The Witness: He was a torch man, a cutting off man in April, and he asked to be assigned to the arc welding department. Well, when it became necessary to get rid of some of the welders, I simply let Kalamarie go. I would have had to lay off a torch man if I put him back. He didn't ask to be put back.

Trial Examiner McCarthy: You may proceed.

Cross-Examination (Continued).

Q. (By Mr. Reynolds.) Why didn't you put him back anyhow as long as he had his seniority as a laborer?

A. Well, I don't know if he would have gone back in there as a torch man at the time.

Q. You didn't ask him though, did you?

A. No, sir.

Q. This new policy of yours makes it very convenient for you to shift men around according to your own desires and according to how long you want to keep him in your employ, doesn't it?

A. No, sir.

Mr. Seyfarth: I object to arguing with the witness.

Q. (By Mr. Reynolds.) Then the fact of the matter is that these various occupations that you show opposite the man's name do not necessarily indicate the occupation the man was engaged in last April of 1937, do they?

A. No, I didn't make the list up in April, 1937.

Q. What type of welding is being done in the steel shop, the assembly shop and the machine shop?

A. I don't know anything about the machine shop or the assembly shop. I can tell you about the welding in the foundry.

Q. That is of two general classes; isn't that right?

A. Yes, sir.

Q. At the time Kalamarie was laid off there were only three arc welders in the department; is that right?

A. Two arc welders. There was an arc and a gas welder.

Q. So that when he became an arc welder in August, 1937, according to your new seniority policy he lost credit for all the time he had previously put in in some other capacity?

A. Well, he was considered an arc welder and I had no more work for arc welders.

Q. Who considered him as an arc welder?

A. I did. His foreman did.

Q. Didn't he also consider himself as a burner?

A. He might have. He was a burner at one time.

Q. Was there anything in your new seniority policy as drawn up and adopted that covered that situation, where a man was promoted to a different job, whether or not he lost his past time put in in another occupation?

1511 The Witness: Would you read that question?
(Question read.)

The Witness: Not that I know of.

Q. (By Mr. Reynolds.) Then there was really nothing to govern you as to the disposition of Kalamarie after the arc welding work gave out, was there?

A. Well, I couldn't fire a gas and arc welder in place of Kalamarie and have no gas welder left.

Q. But Kalamarie was an experienced burner, was he?

A. Well, he was a fairly experienced arc welder, and that was his occupation when it become necessary to lay him off.

Q. But he had worked considerably longer as a burner for the company than an arc welder.

A. Also as a laborer.

Q. Yes, but what I am trying to find out is what definitely was there in your seniority policy which governed that situation.

A. If we would have put Kalamarie back as a burner I would have had to lay off a burner that had much more seniority than Kalamarie did.

Trial Examiner McCarthy: We will have a five minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Reynolds.) Now, Mr. Skeates, along 1512 in December the company issued a statement of policy, did it not?

A. Yes, sir.

Q. That statement of policy in Section 8, referring to Intervener's Exhibit 10, has a reference to seniority, does it not? (Passing document to witness.)

It reads: "When new jobs are created or vacancies occur, the oldest employees in point of service shall be given preference in filling such new jobs or vacancies as may be desirable to them, so far as practicable and consistent with proper ability to perform the service required. When for any reason it becomes necessary to reduce the working force, the senior employees shall be retained with the same consideration for practicability and ability."

Now, what do you understand is meant by the reference to the senior employees?

A. Greatest in point of service.

Q. Now, is there any reference in Section 8 there to plant or departmental seniority?

A. There is a reference to practicability.

Q. (By Trial Examiner McCarthy.) But nothing about plant?

A. Beg your pardon?

Q. But nothing about departmental?

A. No, I don't read it that way.

Q. (By Mr. Reynolds.) Is it your understanding, then, is it, Mr. Skeates, that the upholding of the Wagner 1513 Act puts the construction upon the term seniority that departmental seniority shall be followed?

A. Is there anything in the Wagner Act that refers to seniority?

Mr. Seyfarth: I will object to the question, if it pleases the Examiner.

Q. (By Mr. Reynolds.) Well, I asked you a while ago what was the basis for your seniority policy which has been in effect, according to your testimony, since last April, and you stated that it was the Wagner Act.

A. I didn't say anything about the Wagner Act.

Q. Well, what did you say in that regard? What was the purpose?

A. I said that we had no reasons to enforce a seniority rule until it become necessary to lay off men due to the shortage of work, and prior to that time we laid off men as to their ability and amount of work.

Q. But didn't you make some statement about your policy having gone into effect in April, 1937?

A. I said I organized a seniority list along about that time, but I had no reasons to apply this seniority list until in October.

Q. Well, on what basis did you organize or did you draw up your seniority list at that time?

A. On point of service.

1514 Q. Point of service.

A. In the department they were working in.

Q. Now, how did you make the definition of a department? What definition of a department did you make?

A. A department is a separate department under a separate, different foreman and classification of work.

Q. Then all of the men that work under a particular foreman have seniority rights according to when they started work in that particular department?

Mr. Seyfarth: I object to the question, if the Examiner please. He presupposes one foreman, the same foreman, when the witness answered not only as to foreman but classification of work. I think the question would be proper if you included in there "classification of work."

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) What is the criterion of determining a man's status; by the foreman he works under, by classification of work, or is it a combination of those two considerations?

A. Yes. In a foundry—may I go into detail?

Q. Yes. It is very important.

A. In a foundry there are different methods and different kinds of floors, and I base my seniority on service in that particular floor or in that particular department under that separate foreman.

1515 Q. Let us take electricians. The same type all through the plant, but just for purposes of illustration, let us say you had three electricians working in the foundry department and five working in another department. They do the same kind of work, but if they were departmentalized, as you suggest, then is this departmentalization a method by which a man's seniority is limited or not?

A. I am sorry you used the example of an electrician. We don't have any electricians in the foundry. They are all hired in one department, under one department, of maintenance.

Q. And they work all through the plant?

A. And they work all through the plant.

Trial Examiner McCarthy: I guess we will get to the basis, but it is not clear to me yet.

Cross-Examination (Continued).

Q. (By Mr. Reynolds.) Now, do you consider the steel cleaning room as one department?

A. Yes, sir, because steel castings have an entirely different method of cleaning than iron castings. We have two different foundries in the one building; an iron foundry and a steel foundry.

Q. Now, how many sub-departments are there in the steel cleaning room?

A. Well, there is the iron cleaning room and the steel cleaning room.

1516 Q. They are each separate departments?

A. Yes. The cleaning room proper is the place where we clean castings. We have a separate department for steel cleaning and a separate department for iron cleaning.

Q. Would a grinder in the steel cleaning room have seniority in the iron cleaning room?

A. No, sir, not any more than a steel grinder would have seniority to an iron grinder. I don't believe that a man experienced in steel grinding could do iron grinding.

Q. Isn't the work of a chipper, for instance, pretty much the same wherever he does it?

A. The work is pretty much the same but the tools are different and it is different metal that you are chipping on.

We have found it is not practical to transfer an iron chipper to the steel room or a steel chipper to the iron room.

Q. Has it ever been tried?

A. Only on occasions when work was so damn low in one department, to save men from sending them home and putting them out of work we have tried it, at a loss to production.

Q. You just can't make a steel grinder out of an iron grinder; is that right?

A. Not right away, no, sir.

Q. Well, can the laborers in the steel cleaning room
1517 do the same kind of work as the laborers in the iron cleaning room?

A. Some kinds of work, yes.

Q. Well, would you say that their seniority would extend to the iron cleaning room?

A. No, sir.

Q. Laborers in the steel cleaning room.

A. No, sir.

Q. Now, what is there you can point to in your company seniority policy which governs that situation?

A. There isn't anything I could point to.

Q. No, meeting of the supervisory force, no printed declaration, nothing except your own idea about it?

A. We haven't a specialized or separated labor group. Labor group is common labor.

Q. Do you have full authority to decide questions of seniority with reference to the foundry?

A. Yes, sir.

Trial Examiner McCarthy: I wonder if that exhibit can be changed to conform to the actual method by which the respondent determines seniority?

Mr. Seyfarth: I would like to ask him some questions on redirect, and then if it is necessary I would be glad to accommodate the Examiner.

Q. (By Mr. Reynolds.) Now, with reference to 1518 the discharge to Cumorich and Karobl. Do you know of your own knowledge that these two men had been reprimanded for poor work?

A. Yes, to the extent that the foreman told me.

Q. What foreman was that?

A. Ed McKinney.

Q. And he brought the work cards of these men to you?

A. He checked the work cards.

Q. But you didn't yourself?

A. No, sir.

Q. So you don't know what work cards he selected to make that comparison, do you?

A. Yes, I know what work card he selected.

Q. Isn't it a fact that he selected work cards of certain of the employees which were compiled under the most favorable conditions and then selected some of the cards of Karobl and Cumorich which would not represent their average output?

A. I don't think so.

Q. (By Trial Examiner McCarthy.) Who was the foreman?

A. Ed McKinney.

Q. Karobl testified that George Belov was his boss.

A. We have no foreman like that.

Q. B-e-l-o-v.

A. We have no foreman like that.

Q. Night boss.

A. No, sir.

1519 Q. (By Mr. Reynolds.) Do you have such an employee?

A. Yes, sir.

Q. Is he a straw boss?

A. He is a checker.

Q. Does he ever exercise any supervisory function?

A. No, sir.

Q. Who gives the instructions to these two men, Cumorich and Karobl?

A. The work is laid out by the day crew before they go home. These men work nights.

Q. (By Trial Examiner McCarthy.) By the day crew or the day boss?

A. The day foreman?

Q. That is Ed McKinney?

A. Yes, sir, at that time.

Q. (By Mr. Reynolds.) And Ed McKinney isn't present when they do their work then?

A. He leaves a list showing the work to be done and lays it out at the place where these men work.

Q. Isn't there anyone watching their work at night?

A. There is no direct supervision, no, sir.

Q. Then judgment of the work of these men is, you might say, indirect, based on their production cards.

A. Time cards, yes, sir.

Q. And if you took certain time cards and didn't take into account others you might have a different picture there; isn't that right?

A. You would have to take the time cards of the men working on that same crew that same night.

Q. You would have to take all the cards, wouldn't you, of the other men working in order to strike a fair average?

A. I don't know how he did it.

Q. He didn't have the power to discharge these men himself, did he?

A. No, sir, I approved his recommendation.

Q. You approved it without making any personal investigation, though, didn't you?

A. He made the investigation for me. I instructed him to make the investigation.

Q. Did you hear those men testify?

A. I heard Karobl testify.

Q. Did you hear him testify that there had been no complaint made about his work made directly to him?

A. He might have. I don't remember it.

Q. (By Trial Examiner McCarthy.) I think George Belov told him, he said, "You are working all right."

A. He might have said that. I think he was the first witness when I was here. I don't remember.

Q. What does a checker do, check piece work?

A. No. When the castings are delivered we have 1521 time cards and a route tag and the store issue or the casting issue which must be checked with the particular casting; and the time card and the tag is placed in the casting.

George Belov is also a torch man with cutting experience and he uses a truck at night, and sometimes he would take charge of the annealing oven.

Q. (By Mr. Reynolds.) Now, Mr. Skeates, that Section 8 with regard to seniority; do you know what the source of that Section on seniority was, where the company got that Section?

A. No, sir, haven't the least idea.

Q. You don't know then that it is identical with a section that—

Mr. Seyfarth: I will object to this. He has answered the question.

Trial Examiner McCarthy: Sustained.

Q. (By Trial Examiner McCarthy.) Did you have any part in the preparation of that Board's Exhibit No. 10?

A. No, sir.

Q. Who did you receive it from, Mr. Berry?

A. Yes.

Q. Would he be the proper man to ask?

A. Yes, sir.

Mr. Wham: Isn't that the Intervener's Exhibit 10?

Trial Examiner McCarthy: Yes, Intervener's Exhibit 1522 Exhibit No. 10.

Q. (By Mr. Reynolds.) Had you ever seen that statement of the company's policy on seniority before I showed it to you?

A. This?

Q. Yes.

A. Yes, sir.

Q. When was the first time you saw it? December? The time it is dated?

A. I believe this was mailed to me at my house. I don't remember just exactly when it was.

Q. Before that time, however, you had complete authority in the foundry when any question of seniority arose, didn't you?

A. Yes, sir.

Q. So that your own policy was the company's policy so far as the foundry was concerned?

A. I worked for the company.

Q. Now, is a burner a more skilled employee than a chipper?

A. Yes, sir. Oh, no, no, I missed your question.

Q. Isn't it a fact that a burner can spoil a casting much more readily than a chipper can?

A. You mean to the extent where it is scrapped?

Q. Yes.

A. No.

Q. (By Trial Examiner McCarthy.) How are the 1523 rates with respect to pay? How much do you pay a burner and how much do you pay, ordinarily, a chipper?

A. Well, a chipper gets around 65, 68 cents an hour. A burner may get anything from 56 to 58 cents an hour.

Q. That would be the relative degree of skill that was shown in the difference in the pay rate, would it, approximately?

A. About that, yes.

Q. (By Mr. Reynolds.) Well, a laborer is certainly less skilled than a burner, isn't he?

A. I would say that.

Q. The burner, according to the company's present policy, would be laid off rather than to replace a laborer with less seniority; is that right?

A. Will you restate that question?

Q. A burner would be laid off rather than to replace a laborer with less seniority? In other words, a burner would not be sent back to be a laborer?

A. Not on the same rate.

Q. (By Trial Examiner McCarthy.) On a different rate?

A. Yes, sir.

Q. A laborer's rate; but he would be sent back, ordinarily?

A. I wouldn't send him back carrying the same rate.

Q. No, but you would lower the rate to the laborers.

A. If I could lay off a laborer that had less seniority rights, yes.

Q. (By Mr. Reynolds.) You mean if the burner would take the job you would put the burner in place of the laborer with less seniority?

A. If the laborer had less seniority rights, if he asked for the job I could do that.

Q. Then you do not consider the laborers and the burners in separate classifications so far as seniority is concerned?

A. The seniority has been followed in the group of burners and laborers.

Mr. Reynolds: I object and ask that the answer be stricken as not responsive.

Trial Examiner McCarthy: Strike out the answer. Re-read the question.

(Question read.)

The Witness: I guess I missed the question.

The cutting off men are considered different groups of men than laborers are.

Q. (By Mr. Reynolds.) Yes, but didn't you just get

through telling me a few moments ago that you would put a burner in a laborer's job if the laborer had less seniority?

A. I didn't say I would. I say I might have done it if a burner was to be laid off and he had asked to take a drop, if he had more seniority in service, I would have to lay off a laborer.

1525 Q. Well, only if he asked to be put on a job in a smaller pay classification would you do it?

A. It depends on the number of laborers we would have in that department.

Now, some laborers are more skilled in the particular work they are doing than just a laborer that is pushing a wheelbarrow around. We wouldn't have those laborers on there before we would lay off torch men. They would be gone first.

Q. In other words, your seniority policy is very tentative; there is nothing exact about it; is that right?

A. Within departments.

Q. Within departments?

A. Yes, sir.

Q. Within the steel cleaning room, you mean?

A. Yes, sir.

Q. The same would be true among the moulders?

A. Within their departments.

Mr. Seyfarth: Does this clear up this classification matter, Mr. Examiner?

Trial Examiner McCarthy: Well, it is much clearer to me now that when he started in, but I think the exhibit, based on his testimony, is a little bit confusing. To segregate the chippers and the laborers and the grinders by their actual seniority would be a truer picture.

1526 Mr. Reynolds: Of course, I know there had been no offer of the exhibit yet, but I think the exhibit is absolutely meaningless the way it is now, because there is no basis whatever laid for its introduction.

Trial Examiner McCarthy: It would be helpful to the Board, I am sure, if the exhibit could be modified to conform to your actual practice. If there is only two arc welders in the cleaning room, the dates on which they were hired would be much clearer than just a list of all the employees, unclassified.

Mr. Reynolds: I think that even that would not be very helpful because, according to Mr. Skeates' testimony, when a man is first hired he may not be an arc welder. He may become an arc welder later. His seniority would only date, in the case of Kalamarie, according to my understanding, from last August, 1937, up until the time he was laid off.

Mr. Seyfarth: I think it must be borne in mind that a certain job has to be done in these foundries and that certain leeway must, of necessity,—

Trial Examiner McCarthy: You have to take some base.

Mr. Seyfarth: —must of necessity be granted the employer.

Trial Examiner McCarthy: You may proceed.

Mr. Reynolds: That is all the questions I have.

Mr. Wham: I may have a question or two in just a minute.

1527

Cross-Examination.

Q. (By Mr. Wham.) Do you know Fred Johnson?

A. I know who he is.

Q. He said he came into the foundry and you followed him all around all the time he was there. Do you remember that incident?

A. I might have done it.

Q. Why would you do that?

A. He don't belong in the foundry in the first place. I don't let any loitering around the foundry if I see it in there, people coming around from other departments talking with men and stopping them from work. If he was talking to some one in the foundry if he had no business to I probably was following him around and getting rid of him.

Q. Was there no work there for an electrician?

A. There may be cases where a machine or crane breaks down. I couldn't be following Johnson around if he was working on a crane.

Q. When did you say the company's seniority policy was first formulated?

A. Well, it was first formulated and first put into use when we had to lay men off.

Q. When was that?

A. In October.

Q. Now, isn't it a fact that the seniority policy was negotiated with the Independent Union along in May, 1937?

A. It may have been a fact.

Q. (By Trial Examiner McCarthy.) Were you at the negotiations?

A. No, sir.

Mr. Wham: That is all.

Redirect Examination.

Q. (By Mr. Seyfarth.) Mr. Skeates, you recall Kalamarie becoming an arc welder, do you?

A. I recall the time of it, yes.

Q. Do you know whether or not this was considered a promotion for Kalamarie?

A. I would consider it a promotion. It would give him more experience to go out for other work probably at some time. It was something definite he was doing.

Q. Do you know who assigned him to do the work of arc welding?

A. Ed McKinney.

Q. Do you know whether there was any arrangement between Kalamarie and his foreman about the permanency of his job as arc welder?

A. No, sir, I didn't know.

Q. Now, at or about the time that he was made an arc welder did you believe that there would be plenty of work to keep an arc welder busy in your department?

1529 A. Yes, sir.

Q. In other words, you had no idea that there was going to be a sudden drop off of business?

A. No, sir. We had a lot of work in August.

Q. But it turned out differently around November. didn't it?

A. Yes, sir, decidedly.

Q. And you didn't expect it?

A. No.

Q. Now, Mr. Skeates, did you deem that there was a separate department of arc welding in the steel cleaning room?

A. Well, it is a different kind of work. It is a separate kind of work in the steel cleaning room. The reason the arc welders are in the steel cleaning room under the cleaning room foreman is because it is steel castings and the welders or machines are set up in the steel casting room.

Q. Now, you didn't have any separate bookkeeping system for arc welders in the steel cleaning department, did you?

A. No, sir.

Q. What I am driving at is this:

Did you divide up, say, the steel cleaning room and the iron floor and all of the other sheets as represented by Respondent's Exhibits 6 to 19, both inclusive, into differ-

ent departments? Did you divide each one of these departments into sub-departments?

1530 A. No, sir.

Q. However, you recognized that there was a different type of work performed by the various men in the various departments, didn't you?

A. Yes, sir.

Q. And you recognized that in the steel cleaning room there were a certain number of laborers?

A. Yes, sir.

Q. And a certain number of chippers?

A. Yes, sir.

Q. And there were a certain number of truck drivers, weren't there?

A. Yes, sir.

Q. There were also a certain number of grinders?

A. Yes, sir.

Q. And there were a certain number of oven tenders?

A. Yes, sir.

Q. And there were a certain number of arc and gas welders?

A. Yes, sir.

Q. And there were a certain number of arc welders?

A. Yes, sir.

Q. Now, all of them put together made up your department, didn't they?

A. Yes, sir.

Q. And when they were all working together they were able to turn out the product that the steel cleaning room was supposed to turn out?

A. Yes, sir.

Q. Did you deem that you had enough men in your steel cleaning room to make separate and distinct departments out of them?

A. No, sir.

Q. Now, I call your attention to Intervener's Exhibit No. 10, Section 8, "seniority," and I call your attention to the term, "when for any reason it becomes necessary to reduce the working force, the senior employees shall be retained with the same consideration for practicability and ability." And the following paragraph, "the determination as to practicability and ability shall be made by the responsible supervisory officers or agents of the company."

Now, when you prepared your lists which are represented by Respondent's Exhibits 6 to 19, both inclusive, did

you keep in mind the fact that there was a certain degree of practicability that you were allowed in laying off men?

A. Yes, sir.

Q. Did you in any way abuse this right which you thought you had in order to operate your department for the purpose of discriminating against any union organization?

A. No, sir.

1532 Mr. Reynolds: I object on the ground it calls for a conclusion.

Trial Examiner McCarthy: Overruled.

Q. (By Mr. Seyfarth.) Was that at any time in your mind, Mr. Skeates?

A. No, sir, never.

Mr. Seyfarth: That is all.

Recross Examination.

Q. (By Mr. Reynolds.) Mr. Skeates, do the employees at the present understand that they lose all their past seniority with the company when they are promoted to a new job in their department?

A. I don't know if they do.

Q. It would be news to those men if you made that announcement out there, wouldn't it?

A. I don't know what you mean by a new job.

Q. (By Trial Examiner McCarthy.) Well, a laborer to become an arc welder. Are welder is a new job. A laborer takes that job. Does he know that he is losing his seniority?

A. We have never been in a position where that has ever happened. I don't know how they would feel about it. If I needed an arc welder, I would request one from the employment department.

In this particular case, this man requested that he be allowed to learn arc welding, if you are referring to
1533 Kalamarie.

Q. (By Mr. Reynolds.) You think that Kalamarie understood that his seniority dated from last August as an arc welder?

A. He might have had some agreement with his foreman. I don't know.

Q. Wasn't it practicable for an arc welder to go back and do the job that he formerly did at burning?

A. He could have.

Q. Or a laborer's job?

A. He could have.

Q. It was practicable?

A. I don't think he would take from 66 cents an hour to 56 cents as a laborer.

Trial Examiner McCarthy: It is better than nothing.

The Witness: Probably so.

Q. (By Mr. Reynolds.) It was practicable though, wasn't it?

A. He could have done it, yes.

Q. Isn't that all that your statement of seniority policy calls for?

A. I don't quite understand that.

Q. Practicability and ability.

A. Yes, sir.

Q. Isn't that all that the policy calls for?

A. Well, he didn't ask to go back as a laborer.

Q. Well, did he have any choice? You told him 1534 he was laid off, didn't you?

A. He was laid off as an arc welder because we had no more work.

Q. Did you say, "Kalamarie, you are laid off as an arc welder. Do you want to go back to a burner or a laborer"?

A. I couldn't have put him back as a burner unless I laid off a burner that had more seniority than he did. He was laid off for lack of work.

Q. I think you named three burners with less seniority than Kalamarie.

A. Who are they?

Q. Melcoskey, Kouna and Cassani.

A. I said Melcoskey was a chipper; he had had some experience as a cutting off man. And who else did you say?

Q. Kouna.

A. Kouna is a laborer and only on occasions where the chippers got ahead of the cutting off men we used him as cutting off.

Q. Wasn't Cassani also a cut off man? That is what you have him described as.

A. Where is Cassani?

Q. Thirteenth man from the top.

Trial Examiner McCarthy: "Laborer, cut off."

The Witness: Well, he wasn't designated as a cut off man. He was a laborer that could step in and do cut off work.

1535 Q. (By Mr. Reynolds.) Well, Kalamarie was at least as skilled as any of those three men, wasn't he?

A. Yes, he could have done that work.

Mr. Reynolds: That is all.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Seyfarth: Mr. Staskey.

S. A. STASKEY, a witness called by and on behalf of the Respondent, Link Belt Company, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, please?

A. S. A. Staskey.

Q. Where do you live, Mr. Staskey?

A. 6146 South Rockwell Street, Chicago, Illinois.

Q. Do you work for the Link Belt Company?

A. Yes, sir.

Q. In what capacity?

A. Employment manager.

Q. How long have you worked for Link Belt Company?

A. Oh, 24, 25 years.

Q. What are your duties as employment manager?

A. I come under various commissions there; medical department, librarian, employment, welfare, safety, personnel.

Q. You are general contact man with the employees, are you not?

A. Yes, sir.

Q. Now, during the period of, say, April 1, 1937, to October 1, 1937, about how many employees did you hire?

A. Oh, I estimate between two to three hundred.

Q. I presume you took applications for employment?

A. Oh, I have taken them every day.

Q. Now, if a call came in to you for a certain type of employee, what would you do?

A. I usually refer to my file of applicants. I have always made a practice to keep what looked like material that we may be able to use.

Q. And then what would you do?

A. Well, if we had a call for a laborer, I will go over

my labor file. If I had a call for a lathe operator, I would go over to the lathe operator file, and so forth. I classify the men with jobs that they apply for.

Q. Suppose you had a call for an employee that required a higher degree of skill, such as a floor moulder; what would you do?

A. Well, what I usually do, I go over my applicants that state that they are moulders and call them in 1537 and have an interview with them, and if they seem to have had experience in the floor work, heavy work, I would have one or two such applicants on hand, and then I would call the supervisor of that department and have a talk with that man to see if he is qualified for the job in that department.

Q. Now, have you heard any of the testimony in this case?

A. What I have heard today.

Q. You have not been down here previous to today?

A. Oh, I have been down here the other day. I have heard—

Q. Did you hear Cousland testify?

A. No, sir.

Q. Did you hear Mr. Abbott testify?

A. No.

Q. Do you know Cousland?

A. Cousland, yes.

Q. Did you ever discuss union activities with him?

A. No, sir.

Q. About how often would you talk to Cousland?

A. Oh, it is hard to estimate. These boys come in. I haven't got any sign on the door to tell them to keep out. They may pass by and come in and talk to me. I may have an average of 50 to 75 through the shop come in and contact me.

Q. During the course of the day?

A. During the course of working. They may have 1538 various businesses they want to discuss.

Q. Where was Cousland working in the plant?

A. How long ago? He has worked in various places.

Q. Where has he been working the last year, if you know?

A. I believe he worked in the bakery shop; what we call the bakery building.

Q. Where did he work prior to a year ago?

A. In the bakery building.

Q. Was that anywhere near where you were?

A. No. It is, oh, I would imagine some distance east of the building.

Q. Did Cousland ever come in your office to get time cards?

A. Well, he would come in when we would have a day off, the day before. We usually retain the pay receipts, when you talk time cards, but not any of the time cards for shop work, he didn't come into my office.

Q. It is not improbable that Sorensen saw you talking with Cousland, is it?

A. I don't know. There may have been others that saw Cousland talking, and I haven't paid any attention.

Q. Do you know Frank Solinko?

A. Yes.

Q. Do you know Pete Solinko?

A. Yes.

Q. Did Pete Solinko ever ask you to get a job for 1539 his son Frank?

A. Yes, he has asked me.

Q. Will you tell the Examiner about the occasion of Pete Solinko asking for a job for his son?

A. Why, Frank, I guess that is the old man. I want to get those names right.

Q. Pete is the father of Frank.

A. Pete is the father of Frank.

Well, Pete Solinko came to me one morning and he asked me if I hadn't a job for a boy. I told him, "Pete, we haven't had any jobs right now, but if you have your boy come in I will take the application and we will file it with the rest of them."

Well, that is what I did ordinarily. Two or three days or a week after that, I don't recall the exact date, he came back and wanted to know if I had a job for the boy.

I said, "No, I haven't got anything else," then.

Well, he said, "You put one or two men in the shop."

I said, "That is true, we did put one or two men in there, but they filed applications prior to your boy, and we like to give those that come in a preference that file ahead."

Well, that was all through.

Then he came back to see me, I believe, a third time, and he wanted to know whether there was any chance for the boy. That was, he came through towards quitting 1540 time. I imagine he did quit around that time, around 4:30 or 5 o'clock. In the meantime, that same afternoon, Fred Skeates, the foundry man, said he could use

a man in the foundry, so I told Fred, "I have had a man on file."

He said, "All right, we will see if he can pass the physical examination, and we will put him on."

So Pete brings a young fellow in on Monday morning. I believe it was a Monday morning when I told him to bring him in, and I gave him a statement or a requisition to go to the hospital and get an x-ray, because our foundry employees, we like to get x-rays when they start. So the boy walked out and Pete come along and came back to me.

He said, "See, I got an Independent Union card."

I said, "Pete, I haven't questioned you about anything like that." I said, "Why do you want to show that to me?" I said, "I don't give a damn about your card, or anything. We are hiring the boy as it is."

And that was all there was to it.

So I told the boy to report either that same afternoon, later in the afternoon, or the next morning ready for work, or give him the information about the x-ray, whether he has passed the x-ray information. And I did get a report from the hospital that his chest was O. K. So as it was O. K., the next morning we had the time to pick it up, and I have taken young Solinko over to the foundry and left him there.

1541 That is all I know of the case.

Q. Now, was the boy, Frank Solinko, present when Pete showed you a union membership card?

A. No. What happened there, young Solinko got a requisition to go to the hospital; he went out and his father went along with him, and then he turned back from the shop and come back to see me.

Q. Now, did you ask Pete Solinko, "How is the union here; pretty strong?"

A. I haven't asked Solinko anything on that.

Q. Did Pete say to you that he didn't know anything about it and that he didn't belong to any union?

A. Pete said he never belonged to a union and didn't want to belong to any union, he said he had decided and that is the reason he wanted to show me that Independent Union card. That was all he said to me.

Q. Did you ever tell Frank Solinko to see Kowatch?

A. No, I haven't.

Mr. Reynolds: I object, if the Examiner please. There is no such testimony in the record.

Mr. Seyfarth: I believe there is.

Mr. Reynolds: Pete Solinko, not Frank.

Q. (By Mr. Seyfarth.) Did you ever tell Pete Solinko to see Kowatch?

A. No, I have not.

1542 Q. Did you ever ask Frank Solinko if he knew John Kowatch?

A. I haven't mentioned anything to Pete about Kowatch or to see anybody.

Q. Now, did you ever see Pete Solinko after he was laid off?

A. I have not.

Q. After Pete Solinko was laid off did he ever say to you, "I pay my dues in the Independent Union; can't I get a job outside, as I have a family"?

A. He didn't say that to me.

Q. Now, calling your attention to the Stanley Balkauski matter. Did Stanley Balkauski ever come to you after he was laid off and say, "When are you going to get busy again?"

A. Yes, he was in to see me here about two or three weeks ago. I don't just recall when. There is boys coming in every morning and asking for a job.

Q. Tell me in just a few words, tell the Examiner what transpired.

A. Yes. He walked up and he said, "Are you hiring anybody?"

I said, "No."

He said, "Do you think you will be calling back anyone?"

I said, "I don't know."

Then he walked out and he come back and he said, "What chance have I got on the job?"

I said, "Well, you have got the same chance as anybody else. The first we are hiring we will possibly call you back."

1543 He said, "Don't you know when?"

"Man," I said, "I don't know. All I know is what the newspapers print about the condition."

That is all that transpired in the conversation.

Q. Did you ever say to Stanley Balkauski, "Aren't you smart enough to read the papers? There is no work."

A. No.

1544 Q. Now, Mr. Staskey, were you ever present at any of these supervisory meetings in the plant conference rooms?

A. Yes.

Q. About how often would you attend those meetings?

A. Once a week.

Q. Who was usually present at that time?

A. Mr. E. L. Berry.

Q. And other department heads?

A. And other department supervisory heads.

Q. Will you just tell briefly what was taken up at those meetings?

A. Well, the discussions were usually on production, jobs and policies.

Trial Examiner McCarthy: Mr. Skeets has already testified on this, hasn't he?

Mr. Seyfarth: I am asking him very briefly, if the Examiner please.

Q. (By Mr. Seyfarth.) Was the subject of Union activity ever discussed at those meetings?

A. Yes, that has been discussed very frequently.

Q. Will you tell in just a few words what your orders or instructions were regarding the position you were to take on the subject of Unions?

A. That we are interested in nothing else but production, morale and ability of the men in the shop.

1545 Q. Did they tell you that you shouldn't take any position or sides with any Union organization in the plant?

A. Yes, sir. They took specific pains to do that with me.

Q. Did they tell you not to discuss Unions with any of the men?

A. Yes, sir.

Q. What is the fact, Mr. Staskey; did you ever discuss Unions with any of the men?

A. Not that I know of. Not to my knowledge.

Q. Well, did you or didn't you?

A. I did not.

Q. Did you ever make it a condition precedent to hiring a man that he belong to any Union organization?

A. No.

Q. Did you ever discriminate against anyone for membership in a Union organization?

A. No.

Q. Did you ever reward anybody for membership in any particular Union organization?

A. No.

Mr. Seyfarth: You may cross examine.

Trial Examiner McCarthy: We will take a five-minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed.

1546

Cross-Examination.

Q. (By Mr. Reynolds.) Now, Mr. Staskey, you say that Frank Solinko came along with Pete that day that they came in your office; that he was with Pete, the son was with the father?

A. You mean the first time he came along?

Q. No, the day he was hired or the day before he was hired. The day you sent him to the doctor.

A. Well, the day prior to that I told Pete to have the boy come in the following day, and he brought him in to me.

Q. Frank was not there when Pete arrived; they came together, is that right?

A. They came together, yes.

Q. Do you recall that you asked Pete how the C. I. O. was getting along?

A. I never did.

Q. There was no discussion of the C. I. O. in your office that day?

A. I haven't discussed any of it.

Q. Now, you stated that Pete and Frank left at the same time, is that right, from your office?

A. After I gave him a requisition for that physical examination they both left at the same time.

Q. Yes.

A. Pete and Frank.

1547 Q. Had Frank made out his application for employment before they left?

A. Oh, Frank had made his application out for employment three or four weeks prior to that time.

Q. How do you happen to remember so clearly the details of that meeting that morning?

A. Of that meeting?

Q. Yes.

A. Well, I suppose it is natural. Incidents like that do come up.

Q. Well, you have hired about 200 men since then, haven't you?

A. That is true. I have records of these men. I look over these records.

Q. Isn't it a fact that you sent Pete out of the office and asked him if he knew John Kowatch?

A. I didn't send him out of my office.

Q. Didn't you send him out to find John Kowatch?

A. Not me.

Mr. Reynolds: That is all.

Q. (By Mr. Wham.) What was the object of Pete coming in and showing you an independent union card?

A. I don't know. I don't know what his object was because I am sure I was not interested in it. I was hiring—the boy had practically been hired. There wouldn't 1548 be any object for him to do that.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Seyfarth: Mr. Carlson.

FRED CARLSON, a witness called by and on behalf of the respondent, Link Belt Company, having been first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, sir?

A. Fred Carlson.

Q. Where do you live, Mr. Carlson?

A. 9349 Justine.

Q. You are employed by the Link Belt Company?

A. Yes, sir.

Q. How long have you been employed by the company?

A. It will be 32 years next July.

Q. What is your job with the company?

A. Foreman, pattern shop.

Q. Do you know John Kowatch?

A. Yes, sir.

Q. Did you ever have occasion to have any boards made for John Kowatch?

A. Yes, sir.

1549 Q. Will you just tell the Examiner in a few words about that transaction, please?

A. Mr. Kowatch came in and wanted five small boards made. They was about half an inch thick and 12 by 14, I think. So I asked him what to charge and he said, "Charge it to me."

We have the privilege in the shop, anyone working on 39th Street, if they want a piece of board—

Q. (By Trial Examiner McCarthy.) It was just ordinary plywood, wasn't it?

A. That is it. Charge it to the person. All we do is mark down the size of the lumber and the cost of the board.

Q. (By Mr. Seyfarth.) Did you have the boards of the dimensions given you by Kowatch made?

A. Yes, sir.

Q. Who did you have make them?

A. A fellow by the name of Eric Anderson.

Q. Eric Anderson?

A. That is correct.

Q. Is he an employee in your pattern shop?

A. Yes, sir.

Q. Now, were the boards finished off in any way?

A. Well, they were just cut off and we gave it a coat of black shellac.

Q. Did Mr. Kowatch tell you what they were for when he asked you about them?

1550 A. Yes, he said afterward that they were going to be a bulletin board.

Q. My question was did he tell you before what they were for?

A. No.

Q. When did he tell you what they were for?

A. After he came and got them.

Q. How long after he ordered them did he get them?

A. Oh, I would judge about an hour or so, because it didn't take long to cut them up.

Mr. Seyfarth: Will you mark this Respondent's Exhibit 20 for identification?

(Thereupon the document was marked as Respondent's Exhibit No. 20, for identification.)

Q. (By Mr. Seyfarth.) Did you ever see this before, Mr. Carlson?

A. Yes, sir.

Q. What is that?

A. That is a regular routine we have, shows the lumber, and this is sent in to the cost department.

Q. Speak loudly so he can hear you.

A. Yes, sir.

Q. What do you call that?

A. That is a lumber card, we call it.

Q. Lumber card?

1551 A. Or a store issue.

Q. Or a store issue?

A. That is right.

Q. And that was filled out by whom?

A. By me, you see, and signed by Kowatch.

Q. And it was signed by John Kowatch? Did you see Kowatch sign that?

A. Yes, sir, he had to sign to get his lumber.

Q. And then it went into the cost department?

A. Yes, sir.

Mr. Seyfarth: If the Examiner please, I expect to direct some questions to this witness and to the other supervisory force concerning the instructions they had, and with the indulgence of counsel for the Board and the Examiner I might lead the question and put it in one form for the sake of brevity here, if that is agreeable.

Trial Examiner McCarthy: You may do so.

Q. (By Mr. Seyfarth.) Now, Mr. Carlson, did you receive orders from Fred Skeates that you were not to make any statements whatsoever regarding union activity and that you were not to favor one union or union organization over another organization and, in substance, that you were not to have anything to do with unions?

A. Yes, sir.

Mr. Reynolds: I think I would object to the form 1552 of those questions, if they are to be asked of all the witnesses. I think they ought to be asked to give their version of what the instructions were.

Mr. Seyfarth: I would be pleased to do that. I merely suggested this for the sake of brevity.

Trial Examiner McCarthy: Yes, give your version.

Q. (By Mr. Seyfarth.) Well, what did Mr. Skeates tell you about unions?

A. He told me to not let any union activity during working hours; if there was anything going on they could do it before or after or noontime, but not during the working hours.

Q. What did he say to you about whether you should talk to the men about union?

A. Well, he told me not to have anything to do with it, me personally.

Mr. Seyfarth: You may cross examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Did you ever see any men soliciting for union membership in your department?

A. No, sir.

Q. You never caught anybody talking union activities during working hours?

A. No, sir.

Mr. Reynolds: That is all.

Mr. Wham: No cross.

1553 Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Seyfarth: Charles Leonard.

CHARLES LEONARD, a witness called by and on behalf of the respondent, Link Belt Company, having been first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, please?

A. Charles W. Leonard.

Q. What is your address?

A. 9434 South Racine Avenue.

Q. You are employed by the Link Belt Company?

A. Link Belt Company, 39th Street, yes, sir.

Trial Examiner McCarthy: Keep your voice up, please.

Q. (By Mr. Seyfarth.) How long have you been employed by Link Belt Company?

A. About 28 or 30 years.

Q. What is your occupation there?

A. I am a foreman.

Q. In what department?

A. Well, it is known as the boring mills.

Q. Have you ever been down here before today?

A. No, sir.

Q. Do you know Fred Johnson?

1554 A. I do.

Q. Johnson testified that you followed him around the boring mill department and asked him what he was doing there and then followed him around until he left. Will you tell in a few words what the fact is regarding that?

A. Well, I don't know about following him around, but I did see him and one or two other men talking and asked if there was anything wrong, and he said no, so I told him that he had no business keeping the men from working and that he should go up to the tool room.

Q. Had that happened on previous occasions?

A. That happened two or three times.

Q. Did he say anything to you about dog chain?

A. Well, if he did I didn't hear it.

Q. Who is your superior?

A. Mr. Miller.

Q. Will you state in a few words the instructions that you received from Mr. Miller, if any, regarding your conduct towards union activity?

A. Well, we were told that we had nothing to do with union activities, either one way or another.

Q. Were you told not to show any favoritism—

A. Yes, sir,

Q. —to any man because of any union affiliation?

A. Yes, sir.

1555 Q. You were never told to discriminate between men—

A. No, sir.

Q.—for union activity, were you?

Mr. Seyfarth: I might have a document to put in. In the meantime counsel may cross examine.

Cross-Examination.

Q. (By Mr. Reynolds.) When were you given instructions with regard to your attitude toward labor?

A. Well, I can't tell you the exact dates or anything. When they started to form an independent union, why, we were told that we weren't to have any sides; that they didn't want any of it talked of during working hours.

Q. How long after the Independent Union started to organize did you get these instructions?

A. That would be hard to say.

Q. Do you recall when a recognition notice was posted on the bulletin board stating that the company recognized the Independent Union as the sole bargaining agent for its employees?

A. I remember the bulletin being put up, yes.

Q. Now, when did you receive your instructions; before or after that bulletin was posted?

A. Well, it was right around that time. I couldn't say whether it was just before or after.

1556 Q. You don't know whether it was before or after?

A. No, I couldn't say.

Q. Under what circumstances did you receive those instructions? Where did you get them?

A. I got them from Mr. Miller.

Q. Mr. who?

A. Miller.

Q. What officer is Mr. Miller?

A. He is shop superintendent—machine shop superintendent.

Q. Did he call you in to give you those instructions?

A. Well, he come down to my department and gave them to me.

Q. Prior to that time had you seen solicitation for the Independent Union around your department?

A. I hadn't seen any solicitation for any union.

Q. Well, had you observed anything out of the ordinary?

A. No. The only thing I seen, if there was men standing around talking I would just break it up and seen that they went to work; for, after all, that is what they are there for.

Q. After that time did you see any more of that kind of thing?

A. After what time?

Q. After you got your instructions from Mr. Miller.

A. Oh, I have that happen right along, fellows stop and talk, and I have to move them on, keep the men working.

1557 ing. After all, they just stop the men from working.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Wham.) Mr. Leonard, do you remember a conversation with Fred Johnson in which you said to him, "Don't make it any worse for me than it is now," and something about the C. I. O. solicitations, and then he said, "How does it happen you are on my neck when Froling can do as he pleases? He is down the line now talking to Max Winkler"?

A. I don't remember him saying anything like that. The only thing I remember saying, I asked him what he

was doing, there was nothing for him to do there and I didn't want him to keep the men from working.

Q. Did you ever see Froling soliciting membership for the Independent Union?

A. No, I didn't.

Q. (By Trial Examiner McCarthy.) Did you ever tell Fred Johnson, "Don't make it any harder for me than it is now. They are after me for you fellows"?

A. Not that I remember.

Q. (By Mr. Reynolds.) Don't you remember Fred Johnson mentioning that Froling was soliciting for the Independent Union?

A. No, I don't.

Mr. Reynolds: That is all.

1558 Mr. Seyfarth: That is all.

(Witness excused.)

Mr. Seyfarth: Mr. Forss.

JOSEPH FORSS, a witness called by and on behalf of the respondent, Link Belt Company, having been first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, sir?

A. Joseph Forss.

Q. Where do you live, Mr. Forss?

A. 936 East 80th Street.

Q. Where are you employed?

A. Link Belt Company, 39th Street plant.

Q. In what capacity?

A. Tool room foreman.

Q. How long have you been employed by the Link Belt Company?

A. Close to 32 years.

Q. What are your duties as tool room foreman?

A. Taking care of the maintenance of machinery and equipment.

Q. Do you know Louis Salmons?

A. Yes.

Q. Do you know a man by the name of Greenlee?

1559 A. Yes, I know Greenlee.

Q. Did you ever see Greenlee solicit Louis Salmons?

A. No.

Q. About how far is your office from Salmons' work bench?

A. About twenty feet.

Q. Is your office enclosed with glass partitions?

A. Yes.

Trial Examiner McCarthy: Keep your voice up, please.

Q. By Mr. Seyfarth.) Now, when you were sitting in a natural position at your desk would you be able to see Salmons by looking straight forward?

A. Yes, a little bit sideways.

Q. A little bit sideways. Now, do you recall the day that Salmons was discharged?

A. Yes.

Q. Had you received any instructions from Mr. Berry that day?

A. I can't recall any particular instructions.

Q. Did Mr. Berry ask you to send Salmons to his office?

A. Yes.

Q. What did you do then?

A. I went and told Salmons to report at Mr. Berry's office.

Q. You will have to speak a little louder so the Examiner can hear you.

A. I told Salmons to report at Mr. Berry's office.

1560 Q. Did you see Salmons after he left Mr. Berry's office?

A. Yes.

Q. What was said by you and Salmons at that time?

A. I went in the wash room as he was washing up to leave and if I recall right I asked him if he had been soliciting memberships for the C. I. O. Union in the shop during working hours.

Q. What did Salmons say, if anything?

A. He says, "Yes, I am not going to deny it."

Q. Did you ever see Salmons soliciting?

A. No.

Q. Did you know whether or not Salmons was a delegate under the old N. R. A. Union?

A. Yes, I know he was.

Q. You saw him going around to different departments, didn't you?

A. Yes.

Q. And you are not able to state now whether or not he was soliciting?

A. No, I have no means of knowing.

Q. You just saw him going and didn't hear him talking, did you?

A. That is part of his work, in different departments.

Q. Did you know Nels Sorenson?

A. Yes.

1561 Q. When did Sorenson start working for the Link Belt Company?

A. I don't recall the date.

Q. Do you know whether or not he was laid off in 1936?

A. Yes.

Q. To your knowledge was he ever laid off prior to that time?

A. Yes, he was laid off, I believe a couple of years before that.

Q. Do you know why he was laid off a couple of years before that?

A. On account of no work.

Q. Do you know what he did up to the time that he was laid off the first time?

A. He was principally steam fitter helper.

Q. What kind of a worker was he, Mr. Forss?

A. Oh, he was a fairly good worker.

Q. Was he a safe worker?

A. Well, I had several complaints on him.

Q. In what respect?

A. Well, when he was out helping somebody he wouldn't do it the way they told him to do the job and sometimes caused arguments, and, in fact, several of them objected to having him for a helper.

Q. Was that one of the reasons why he was laid
1562 off the first time?

A. Well, it was part of the reasons.

Q. Did you know why he was rehired in 1933, or I mean in—strike that.

I don't know the exact date, but do you know why he was rehired?

A. We had need for a janitor, and his brother was working for me—has been for several years—and he come and asked me if I couldn't put Nels on as a janitor.

Q. What is his brother's name?

A. Jens.

Q. Did you then rehire him as a janitor?

A. I did, with the approval of my superior.

Q. Yes. Now, what was his conduct while he was doing janitor work?

A. Well, he did his work all right. Once in a while he got into a scrap with somebody that happened to throw something on the floor and he wanted to beat them up for it, but he got by pretty good.

Trial Examiner McCarthy: He what?

The Witness: I say he got by pretty good with it.

Q. (By Mr. Seyfarth.) Did you ever have any complaints about him when he was doing janitor work?

A. Well, once in a while it happened that he got into an argument with different fellows.

1563 Q. Well, this fellow Sorenson was possessed of a pretty bad temper, wasn't he?

A. Well, he didn't seem to be able to get along with people as good as he might.

Q. Now, did you ever have a complaint that he had pulled a knife on one of the men at the plant?

A. I heard rumors to that effect.

Q. Do you recall the day that Sorenson was discharged?

A. Yes.

Q. What was Sorenson doing that day?

A. I don't even recall what the time was, but I got a telephone call from Mr. Berry that Sorenson was over in the foundry arguing with some fellows over there.

Q. What did you do then?

A. (Continuing.) That I had better get rid of him. So I started off for the foundry, but I met Sorenson on the way. I asked him where he had been. He said, "Out in the foundry."

I said, "What were you doing out in the foundry?"

He said, "I went out to see if I could grease the sand screening machine."

I said, "Where is your grease gun?" He didn't have one with him. So I told him I thought he was loafing around too much and I would have to lay him off.

Q. Now, was the sand screening machine in operation during the daytime?

A. No.

Q. Was it ever in operation during the daytime?

A. No, I don't think it was; mostly at night.

Q. Did you ever discuss the subject of the C. I. O. with Sorenson?

A. No.

Q. Did you ever tell Sorenson that it was Louis Salmons' fault?

A. No.

Q. Did Sorenson ever tell you that it was Louis Salmons' fault?

A. No.

Q. Now, who is your superior, Mr. Forss?

A. At the present time, Mr. Fred Pyle. At that time it was Mr. Berry.

Q. Did you ever receive any instructions regarding how you were to conduct yourself toward unions?

A. Yes. I attended the meetings in Mr. Berry's office.

Q. What were those instructions in a few words?

A. That we could take no part one way or the other with union activities.

Mr. Seyfarth: Cross-examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Now, you have stated that Nels Sorenson was a good worker, haven't you?

1565 A. Yes.

Q. Now, you mentioned one occasion when you thought that he was loafing on the job; at the time you saw him coming back from the machine shop.

Trial Examiner McCarthy: Berry had called him up.

Q. (By Mr. Reynolds.) Mr. Berry had called you up?

A. Yes.

Q. Is that the only occasion you can testify to now that you believe that Sorenson was loafing?

A. Oh, he had several occasions to loaf, because he didn't have enough work to keep him busy all the time, but he shouldn't go out in other departments and loaf. I couldn't even keep him busy in my own department at all times because I had no work for him.

Q. Isn't it a fact that he came to you and asked for jobs sometimes?

A. Yes, sometimes he did. Sometimes I couldn't give him a job because I didn't dare to send him out to help different fellows. There was only certain men that I dared to send him out with for fear to get into a scrap.

Q. In other words, he had to loaf of necessity sometimes when there wasn't any work for him, didn't he?

A. Yes, he did, but I wanted him to loaf up in my department where he belonged.

1566 Q. Did you make an investigation to determine whether he actually was loafing in that department?

A. He must have been because he came back from the foundry and he admitted that he had no grease gun with him. That was the only excuse he had to go to the foundry.

Q. Did he admit that he had been loafing over there?

A. No, but he had been over there; he admitted that.

Q. Did he tell you he had been over there?

A. Yes.

Q. You were pretty well satisfied with Sorenson as a worker on the whole, weren't you?

A. If I had work that he could do I was satisfied with the work he could do—he done.

Q. Yes.

A. He was not lazy.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Wham.) Mr. Forss, what department were you foreman of?

Trial Examiner McCarthy: Tool room foreman.

The Witness: Call it the tool room, but it covers the maintenance—maintenance work, repair.

Q. (By Mr. Wham.) Was Fred Johnson in that department?

A. Yes.

Q. Is there a fireman by the name of Charlie Borders up there?

1567 A. Yes, I know him. He is not working for me.

Q. Not working for you?

A. No.

Q. Well, I thought I understood Fred Johnson to testify that "our foreman had some Independent applications and gave one to Borders." Could that have been you?

Trial Examiner McCarthy: You will have to answer so the reporter can get it.

The Witness: No, it couldn't have been me.

Q. (By Mr. Wham.) You never had any Independent applications?

A. I am not Border's foreman. I never had any applications.

Q. Is there anybody there by the name of Art, A-r-t, Foreman that you know of?

A. Who?

Q. Art Foreman.

I have in my notes he said that either Art Foreman or "our foreman" had some Independent Union applications.

Do you know anybody by the name of Art Foreman?

A. No.

Q. Well, at any rate, did you ever have any Independent applications?

A. No, never seen them.

Q. And you never gave any to Charlie Borders?

1568 A. No.

Mr. Wham: That is all.

Mr. Seyfarth: Just one more question.

Redirect Examination.

Q. (By Mr. Seyfarth.) Mr. Morss, was Sorensen to your knowledge discharged because he was a poor workman or because he was a disturber of the other men?

A. Mostly because he was a disturber.

Mr. Seyfarth: That is all.

Recross-Examination.

Q. (By Mr. Reynolds.) Isn't it a fact that it was quite a sport around there to pick on Sorenson because the men knew that he was somewhat excitable and they could have a little sport with him?

A. Well,—

Q. (By Trial Examiner McCarthy.) Did the men pick on him?

A. They might have done that, but there must have been a reason for it. I thought so too at first, so I tried to shift him around where he wouldn't be picked on.

Q. The reason they picked on him was apparently he was an excitable fellow and they could get a rise out of him; isn't that about the size of it?

A. I don't know. At any rate he was not safe.

Q. He was not safe?

Q. (By Mr. Reynolds.) How do you know he was not safe?

1569 A. Because he told me, "I kill that son of a bitch if he said that."

I was almost afraid of him myself sometimes.

Q. But he was a good janitor, though, wasn't he?

A. He did work hard. He was a hard worker.

Mr. Reynolds: That is all.

(Witness excused.)

Mr. Seyfarth: Mike Masilionis.

MIKE MASILIONIS, a witness called by and on behalf of the respondent, Link Belt Company, having been first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) What is your name?

A. Mike Masilionis.

Q. Speak loudly, Mike, so we can all hear you.

Your name is Mike Masilionis, and where do you live, sir?

A. 2315 South Oakley Avenue.

Mr. Seyfarth: You will have to speak loud.

Trial Examiner McCarthy: Talk loud.

The Witness: All right. I can't do it.

Q. (By Mr. Seyfarth.) Where are you employed?

A. Link Belt Company, 39th Street plant.

Trial Examiner McCarthy: Raise your voice. I can't hear.

1570 The Witness: I can't; something wrong with my throat.

Q. (By Mr. Seyfarth.) How long have you been employed by Link Belt?

A. Nine years.

Q. Now, were you a sub-foreman on the second floor core room for about three months?

A. Yes.

Q. Those three months were December, 1937, January and February, 1938; is that right?

A. Yes.

Q. Now, there has been some conversation here about your trying to get Frank Lackhouse to join the Independent Union. Did you ever ask Lackhouse to join the Independent Union?

A. Never did.

Q. Were you ever a member of the Independent Union?

A. Yes, sir.

Q. When did you join?

A. I joined around May, the first of May.

Q. Did you resign?

A. Yes, sir.

Q. When did you resign?

A. When I got my foreman's job.

Q. Did you ever solicit anyone for membership in the Independent Union on company time?

A. No.

1571 Mr. Seyfarth: You may cross-examine.

Cross-Examination.

Q. (By Mr. Reynolds.) You were relief foreman before you were made a sub-foreman, weren't you?

A. No. Yes, I used to be that.

Q. You served as a relief foreman for some years before you were made a sub-foreman, didn't you?

A. No.

Q. When did you first start serving as a relief foreman?

A. A year ago, about 1936.

Q. 1936?

A. Yes, sir.

Q. And from that time on you took a foreman's place in his absence while he was on vacation?

A. Yes.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Wham.) Do you know Wally Bolton?

A. I don't know many guys around there.

Mr. Wham: What was the answer?

Trial Examiner McCarthy: "I don't know many guys around there."

Q. (By Mr. Wham.) Do you know Frank Lackhouse?

A. Yes, sir.

Q. He testified that stewards collected dues and
1572 Wally Bolton was a steward and he collected dues during working hours when you were only ten feet away.

A. Never did collect during working hours. The only time I collected dues on Friday morning when the men got the money.

Q. Were you a steward yourself?

A. Yes, sir.

Q. You don't know Wally Bolton, though?

A. No.

Q. And when you were a steward when did you collect dues?

A. I used to collect before work or after work.

Q. Never collected any during working hours?

A. No, sir.

Q. When did you say you became a foreman?

A. December. The first of December up to — I had three months on that job; that is all.

Q. December, 1937?

A. Yes.

Q. And at that time you resigned from the Independent Union?

A. Yes, sir.

Q. Are you still a foreman?

A. No.

Mr. Wham: That is all.

Q. (By Mr. Reynolds.) Were you ever a steward while you were acting as a relief foreman?

1573 A. Yes, I was a steward at that time.

Trial Examiner McCarthy: What is that? I didn't hear you.

The Witness: I was a steward at that time.

Mr. Reynolds: That is all.

Mr. Seyfarth: Just a minute.

Redirect Examination.

Q. (By Mr. Seyfarth.) For how long did you act as a relief foreman, Mike?

A. Well, when my foreman used to go on vacations; that is the only time.

Q. And when did he take his vacation in 1936?

A. Took about July.

Q. You weren't a member of the Independent Union, then, were you?

A. No.

Q. Did you act as relief foreman during the year 1937?

A. Well, I don't know about that. I think I was not at that time.

Q. Not at that time?

A. No.

Recross-Examination.

Q. (By Mr. Reynolds.) Are you sure you never acted as relief foreman in 1937?

1574 A. Sometimes he goes out for half an hour or so; that is the only time.

Q. You act as foreman, though?

A. I have to do my work.

Trial Examiner McCarthy: Working foreman.

Mr. Reynolds: That is all.

Q. (By Mr. Wham.) What was your authority when you were relief foreman for half an hour?

A. Well, I have to watch the guys and give the jobs out; that is the only thing.

Q. How often would that happen.

A. Maybe once an hour.

Q. What is that?

A. Maybe once a week sometimes; maybe once a month or three months.

Mr. Wham: That is all.

Mr. Seyfarth: That is all.

(Witness excused.)

Mr. Seyfarth: Fred Pyle.

FRED L. PYLE, a witness called by and on behalf of the respondent, Link Belt Company, having been first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) State your name, sir.

1575 A. Fred L. Pyle.

Q. Where do you live, Mr. Pyle?

A. 8352 Maryland Avenue, Chicago.

Q. What is your occupation with the Link Belt Company?

A. Works engineer.

Q. How long have you been employed by Link Belt Company?

A. Thirty-five years.

Q. Now, among your other duties have you got charge of the electricians?

A. Yes.

Q. Do you know Fred Johnson?

A. I do.

Q. Did you have a conversation with Fred Johnson on April 7, 1937?

A. I think that was the date.

Q. Now, what did you learn prior to that conversation?

A. I learned that he had been talking too much around the plant wasting his time and wasting the time of other men.

Q. Now, will you state your conversation with Fred Johnson on April 7th?

A. I told him that I had learned this and had seen it and that he would have to cut it out or we couldn't use him.

Q. What did Johnson say, if anything?

A. He told me that he appreciated being told the way I did tell him and he would try to do better.

1576 Q. Did you ever say to Johnson, "You remember Lou Salmons, and we don't want a repetition of his case"?

A. I did not.

Q. Did Johnson ever say to you, "Am I supposed to go around without saying anything like a clam"?

A. Not exactly those words.

Q. What did he say?

A. He did say, "I guess the best thing for me to do is to ignore the men when they ask me a question."

Q. Now, did you say to Johnson, "No, it is not necessary to go that way; just cut it down a little"?

A. It might have been about like that, but I did tell him he had to cut it out. I don't remember that I used exactly those words. To that effect.

Q. Did you mention the words "union activity" at any time during your conversation with Johnson?

A. I did not.

Q. What is the fact with reference to whether or not both of you knew what the subject of the conversation was about?

A. We probably did.

Q. Now, Mr. Pyle, you have attended supervisory meetings from time to time?

A. Yes.

Q. Will you just in a few words tell the Trial Examiner what your instructions were regarding your conduct with reference to unions?

1577 A. That we were not to partake of any union activities or any conversation with the men and were not to permit, if possible, the men doing that during working hours.

Mr. Seyfarth: You may cross-examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Who instructed you about your conduct with regard to labor?

A. It came up at the supervisory meetings.

Q. When did it first come up to your recollection?

A. I don't remember the date.

Q. Was it in 1937?

A. It was about the time that the Wagner Act became constitutional.

Q. About that time or later?

A. About that time.

Q. Had the Independent Union begun organizing before you got those instructions?

A. I don't know.

Q. How did you know what Fred Johnson had been talking about?

A. I didn't.

Q. You assumed that it was about a union, though?

A. Not necessarily.

Q. Then you didn't have any idea about it?

1578 Trial Examiner McCarthy: He said he didn't know.

Q. (By Mr. Reynolds.) Well, when you answered the question on direct examination that you thought that both of you understood what was meant, you didn't have union in mind then?

A. I answered that question because I think that he thought I was after him because I thought he was organizing. Does that make it clear to you?

But it was not the point of issue at the time I talked to him.

Q. I have to study it out.

A. Well, you asked for an assumption.

Q. Did you see any organizing around the plant?

A. I did not.

Q. Never saw any slips of paper or sheets passed around during working hours.

A. I did not.

Q. Never saw any application cards circulated?

A. No.

Q. Were you on a vacation during the first part of April?

A. I was not.

Q. The middle part of April?

A. No.

Mr. Reynolds: That is all.

Mr. Wham: That is all.

1579 Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Seyfarth: Mr. Morley.

WILLIAM A. MORLEY, a witness called by and on behalf of the respondent, Link Belt Company, having been first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) What is your name, sir?

A. William A. Morley.

Q. Where do you live, Mr. Morley?

A. 4459 Greenwood Avenue.

Q. You are employed by the Link Belt Company?

A. That is right.

Q. How long have you been employed by the company?

A. Nine years.

Q. What is your occupation with the company?

A. At present I am foreman of the cleaning room in the foundry.

Q. Who is your boss?

A. Mr. Skeates.

Q. Do you know Frank Lackhouse?

A. I do.

Q. What department did he work in, if you know?

A. He worked in the core room department.

1580 Q. Did you ever have a conversation with him?

A. Oh, I have had a number of conversations with Mr. Lackhouse.

Q. Did you ever have a conversation with Frank Lackhouse regarding solicitation of memberships in the Independent Union?

A. I cannot say directly whether it was union activity or not. The only incident such as you refer to that I remember was he had a slip in his hand and he was approaching some of the men which were under me in the iron moulding department, the floor, and we had been given orders to discourage any organizing of any kind in the foundry or any other place and I took it that that's what was going on, and I ordered him to return to his department.

Q. Did you report the incident to your superior?

A. Yes, sir.

Q. Now, what were your general orders in regard to men engaging in union activity?

A. About the time the Wagner Act was declared constitutional Mr. Skeates gave me explicit directions

that no supervisor was to take any sides in the matter and that we were to see, if possible, that there was no organizing done on the company's time.

Q. Do you know Kalamarie?

A. Yes, I do.

1581 Q. Did you hear him testify?

A. No, I didn't.

Q. Kalamarie testified that you laid him off and you told him that the company was cutting down and that he was the next one to go. Is that in substance the truth?

A. That's practically the conversation.

Q. Now, how long before Kalamarie was laid off were you made a foreman?

A. I was made a foreman approximately October 1, 1937. I don't know the exact date of Kalamarie's being laid off.

Q. The records seem to show that he was laid off in November of 1937.

A. That's about the time.

Q. Now, how many welders were there in your department, Morley?

A. What types of welders? All types?

Q. What kind of a welder was Kalamarie?

A. He was an arc welder.

Q. What kind of a welder was Novak?

A. He was also an arc welder.

Q. What kind of a welder was Diskis?

A. Sam was a combination welder. He could do either type.

Q. Now, just in a few words, Mr. Morley, will you tell whether or not it is advantageous from the production point of view that a man be a combination welder rather than, say, an arc welder?

1582 Mr. Reynolds: I object, if the Examiner please, on the ground that it is immaterial.

Trial Examiner McCarthy: I think Mr. Skeates has covered that pretty thoroughly, hasn't he.

Mr. Seyfarth: Yes, he has covered it. We have the man's foreman here. I suppose it would be repetitious. There doesn't seem to be any controversy about that point, to begin with.

Q. (By Mr. Seyfarth.) Do you know Paul Bozurich?

A. Yes, I do.

Q. Did you hear Mr. Skeates testify this morning regarding the various operations in your department?

A. I did.

Q. And if I would call upon you to answer similar questions would you say that your answers would be similar?

A. Yes, sir.

Q. Now, what would be the result, Mr. Morley, if an inexperienced bench moulder were put to work on a job that called for bench moulding?

A. An inexperienced bench moulder?

Q. Yes.

A. Well, our scrap loss would go up.

Q. Would it have a tendency to disrupt your present organization?

1583 A. It would.

Q. Do you know Tony Melcoskey?

A. Yes, I do.

Q. Do you know Joe Kouna?

A. I know him as Joe Karouna. Maybe the pronunciation is different.

Q. Are Melcoskey and Kouna burners, or are they a chipper and a laborer, respectively?

A. Well, they can be both. I mean they have some experience cutting off. They are beginning to learn that phase of it.

Q. Do you know what their experience was in the art of acetylene burning around November of 1937?

A. To my knowledge I don't know how long they had been doing that phase of the work.

Q. Now, is it the fact that they do acetylene burning or cutting intermittently?

A. That is correct.

Q. And do they do that sort of an operation when, say, they get caught up doing the chipping?

A. That would be a correct assumption.

Q. And they do that to keep from, say, wasting time?

A. Yes.

Mr. Seyfarth: You may cross-examine.

Cross-Examination.

1584 Q. (By Mr. Reynolds.) How often do Melcoskey and Kouna do burning work?

A. How often?

Q. Yes.

A. Well, Kouna at one time did considerable of it, for about three weeks, but that was not in the foundry; it was

in another department, cutting up scrap that was to be sold to the junk man.

The other man probably worked, oh, a quarter of his time cutting off; that is, during the time I was foreman.

Q. You sometimes send men out of this department into other departments to work temporarily?

A. No, this is not a department. May I correct that? It is the rubbish that we keep on the other side of the fence, the road, all structural work that is discarded, castings and things of that type, and they cut them up. It is still under my jurisdiction.

Q. Now, are you familiar with Paul Bozurich's ability to do moulding work?

A. Yes.

Q. What jobs of moulding do you think he can do?

A. Well, I would say medium sized floor work, as far as my observation goes.

Q. Doesn't he ever work on heavy castings?

A. Some that we did put him on I wouldn't say 1585 that he was proficient at doing, the larger stuff.

Q. He is capable of doing what you would call bench work, though, is he not?

A. I don't believe so.

Q. Why not?

A. Because it is a different type of work. He could after maybe three to six months' training.

Q. Do you know that he has been working in foundries for over twenty years?

A. I do not know that.

Q. Doesn't he make sprocket wheels and worm gears and so forth on the floor that he worked on?

A. He made worm wheels and he made sprockets. He has done that.

Q. That is the same type of work that is done on the sprocket floor, isn't it?

A. I am afraid it is slightly different.

Trial Examiner McCarthy: Is it substantially different?

The Witness: Quite a bit different. On the sprocket floor, you know, most of the sprockets are chilled wheels. That is, they use a chill to form the tooth. On the steel floor it is a full pattern; that is, it is complete in itself, it has the teeth right on it, and they are as a rule made on the iron floor; that is, in the larger sizes.

1586 Q. You say that he never worked on any heavy castings?

A. No, not over, shall be say two hundred pounds, roughly speaking.

Q. Do you ever have occasion to transfer men about in your department from one job to another?

A. Not any permanent thing. If we happen to run out of work for one man we can put him on another for an hour or so, to fill out the day.

Q. Well, have all the men in your department been on the same job ever since they went to work for Link Belt Company?

A. Oh, no.

Q. Well, where did they come from?

A. Well, they work into another job, such as Kalamarie did.

Q. They work into another job and then they are worked right out of a job when that job runs out; is that right,—

Mr. Seyfarth: I object to arguing with the witness, if the Examiner please.

Mr. Reynolds: (Continuing.) —or do they go back to their old job?

Trial Examiner McCarthy: Will you read the question? (Question read.)

The Witness: There is two questions there.

Mr. Seyfarth: Just a minute. I object.

Trial Examiner McCarthy: I think Mr. Skeates 1587 has answered that. He has explained how they do it.

Q. (By Mr. Reynolds.) A man never goes back to a less skilled classification of work after he has once been advanced?

A. I don't think so. Not to my knowledge.

Q. Once he is promoted he can never go back; is that right?

A. Oh, it is a possibility. I say not to my knowledge.

Trial Examiner McCarthy: But it is not an ordinary practice?

The Witness: Not an ordinary practice.

Q. (By Mr. Reynolds.) What do you understand is the seniority policy of the Link Belt Company?

A. Well, to my understanding the departments are broken up into occupations and the man having the greatest term of service in that occupation is the number one man; that is, he stays the longest, and so on.

Q. When did that policy go into effect?

A. Well, I believe that policy went into effect when we made the agreement with the Independent Union.

Q. That is a part of the terms of the agreement, is it?

A. No, I wouldn't say that, but that is part of the company's answer to their request.

Q. That was what was in the back of the company's mind, was it?

Mr. Seyfarth: I object to that.

1588 The Witness: I don't know what the company does.

Mr. Seyfarth: Just a minute, I object to it.

Mr. Reynolds: I don't know why.

Mr. Seyfarth: He is asking what was in the back of the company's mind.

First of all I want—I won't even attempt to argue the point.

Mr. Reynolds: I will go ahead then.

Mr. Wham: We negotiated a definite agreement with the company at that time. It is in evidence.

Q. (By Mr. Reynolds.) All right. In the definite agreement with the company is there anything to indicate that seniority is by occupation?

A. I have not seen that agreement.

Q. How do you know it is the policy of the company then?

A. All I can say is that that has been my understanding.

Q. How did you receive that understanding?

A. From conversations with the supervisors, my supervisor.

Q. With whom?

A. Mr. Skeates.

Trial Examiner McCarthy: Is that incorporated in the Intervener's Exhibit 1?

Mr. Wham: Yes.

Mr. Reynolds: That is all.

Mr. Seyfarth: Just a minute, Mr. Morley.

1589

Redirect Examination.

Q. (By Mr. Seyfarth.) As a practical matter, Morley, does it ever become necessary for you in your department—

Mr. Wham: Exhibit No. 9 that was.

Q. (By Mr. Seyfarth.) —does it ever become neces-

sary for you to use a laborer in a higher type of job to fill in?

A. That is a hard question to answer. The laborer may not be capable. If he is capable, it might be done with convenience.

Q. You take into account with seniority the ability of a man to do a particular job, don't you?

A. Yes.

Q. In other words, you also take into account his efficiency, do you not?

A. That is correct.

Q. And you also take into account the fact that you are doing a production job and it is your duty to turn out a product; isn't that right?

A. That is right.

Trial Examiner McCarthy: Is this covered by an agreement, or is it the policy of the superintendent, Mr. Skeates? Who determined this? What is the right answer? Is it an agreement between the respondent and the union or is it a statement of policy as enunciated by the superintendent of the foundry?

1590 Mr. Seyfarth: It is my understanding that that is a matter of policy that was adopted at the time the Wagner Act was declared constitutional.

Trial Examiner McCarthy: It is not an agreement; just a statement of policy?

Mr. Seyfarth: It is not an agreement but that subject, as I understand, was bargained collectively with the Independent Union.

Trial Examiner McCarthy: Then it is an agreement then.

Mr. Wham: It is in our agreement all right.

Mr. Seyfarth: Subsequently it became an agreement, but it was in effect prior to that time.

Q. (By Mr. Seyfarth.) Now, Morley, what would be the effect of following strict seniority, a strict seniority basis in the laying off of men in slack times in your department?

A. Well, I would be without some type of worker. Some specific occupation I would be without them altogether.

Q. You might find yourself without grinders or without moulders or without some acetylene burners; isn't that true?

A. That is correct.

Q. And that might arise, might it not?

A. Yes.

Q. If a strict seniority basis was followed in lay-off in your particular department?

A. By that you mean that if every man in the department was put down in a list in the order of the date he was hired?

Q. That is right.

A. It would have a poor effect on our productive method.

Q. Now, Morley, if the correct proportion of each classification of men in your department were hired at a given time and that employment continued, you would not find yourself in that difficulty, would you, in the event of a lay-off?

A. No.

Q. However, if on some occasion it would happen that you needed several moulders and they were hired and thereafter a lay-off took place, you might find yourself without the requisite number of moulders in proportion to the other employees or classifications of employees in your department?

Do you understand what I am driving at?

A. It is pretty long. I wonder if he could read it so that I could hear that restated.

Mr. Seyfarth: Never mind reading it, Mr. Reporter.

Q. (By Mr. Seyfarth.) It is your desire to carry out the correct proportion of employees in each classification to carry on your job of producing the product, is it not?

A. That is correct.

Q. And to follow out seniority strictly might interfere with your production in that regard, might it not,—

A. That is right.

Q. —in the event of a lay-off?

1592 A. That is correct.

Mr. Seyfarth: That is all.

Recross Examination.

Q. (By Mr. Wham.) Do you know John Kalamarie?

A. I do.

Q. And do you know that he was laid off some time in the last part of November, 1937?

A. That is correct.

Q. He testified that about November 20th he saw an order from you that if he didn't do better work he would get a week's vacation without pay; do you remember that?

A. That is correct.

Mr. Reynolds: I object, if the Examiner please, unless there is a purpose disclosed for this. I don't see any bearing that this has on the Independent Union.

Mr. Wham: It has a bearing on it.

Trial Examiner McCarthy: I would think it would have. He may answer.

The Witness: I cannot testify as to date, but I can say that the substance of that statement is correct, as far as concerning Kalamarie, that his work was not up to full productive effort.

Q. (By Mr. Wham.) And then he testified that after that he was ridden by his bosses until he was finally fired in a week or two.

1593 A. Well, I happen to be his only boss and I didn't rib him.

Trial Examiner McCarthy: Not rib; ride.

Q. (By Mr. Wham.) Did you ever ride him?

A. No. I warned him his work was not up to productive effort.

Q. (By Trial Examiner McCarthy.) What do you mean by "up to productive effort"? Wasn't he a competent worker?

A. Well, he could be if he wanted to be.

When you lay out a certain amount of work and know how much a man can produce in that time, if that work isn't produced you know that he hasn't worked the full time that he was there.

Q. You mean not worked the full time or worked as fast as he should?

A. The full time or as fast. Either one would affect production.

Q. (By Mr. Reynolds.) Did you know that Mr. Kalamarie had been in to see Mr. Berry with the C. I. O. grievance committee a day or two before you warned him?

A. I didn't know Kalamarie had been in to see Mr. Berry.

Mr. Reynolds: That is all.

(Witness excused.)

Trial Examiner McCarthy: We will adjourn until 9:30.

(Whereupon, at 5:10 o'clock P. M., March 21, 1938, the hearing was adjourned to 9:30 o'clock A. M., March 22, 1938.)

1594 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption XIII-C-303) • •

Room 777, United States Court House.
Chicago, Illinois,
Tuesday, March 22, 1938.

The above entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock A. M.

Before:

Hugh C. McCarthy, Trial Examiner.

Appearances:

Stephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Messrs. Pope & Ballard, by Henry E. Seyfarth, and William F. Price, 120 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, and Forest A. King, 231 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Intervener, Independent Union of Craftsmen, Local Lodge No. 1.

1595 PROCEEDINGS.

Trial Examiner McCarthy: The hearing will come to order. You may proceed.

Mr. Seyfarth: Mr. Peters.

WILLIAM PETERS, a witness called by and on behalf of the Respondent, Link Belt Company, having been first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, sir?

A. William Peters.

Q. Speak loudly because we have some competition here with the street cars.

A. William Peters.

Q. What is your address, Mr. Peters?

A. 6600 Laffin.

Q. Are you employed by the Link Belt Company?

A. 39th Street plant, yes, sir.

Q. How long have you been so employed?

A. About 29 years.

Q. What is your present position with the Link Belt Company?

A. Foundry time study man.

Trial Examiner McCarthy: What is it; foundry time study man?

1596 The Witness: Yes.

Q. (By Mr. Seyfarth.) Were you ever a foreman?

A. Sir?

Q. Were you ever a foreman?

A. Yes, sir, I was.

Q. Of what department?

A. The cleaning department.

Q. When did you become head time study man for the plant?

A. Sir?

Q. When did you become engaged in the work of time studies?

A. The first time?

Q. No, after changing your job from foreman.

A. After changing my job in the spring of 1937. I don't recall the exact date. I think it was sometime in April—about April 15th, something like that.

Q. Were you ever given any instructions while you were foreman as to your conduct toward union activity?

A. Why, yes, I was told not to interfere with the men and see that there was no soliciting and things of that nature done on company time.

Q. Now, did you ever have occasion to examine labor cards of Nick Cumorich and Mike Karbol?

A. Yes, sir.

Q. At whose instance did you make this examination?

A. Mr. Skeates'.

1597 Q. Who?

A. Mr. Skeates.

Q. And about what time did you make the examination, sir?

A. I think it was sometime in May, if I am not mistaken. I am not sure, I am not positive.

Q. Sometime in the year 1937?

A. Yes, sir.

Q. Do you know whether it was the summer or fall?

A. It was in the spring.

Q. It was in the spring of the year?

A. Yes, sir.

Q. Have you got any of the labor cards with you with which you made the time studies?

A. Yes, sir.

Q. May I have them, please?

(Witness produces documents.)

Mr. Seyfarth: Will you mark as Respondent's Exhibit 21 for identification ten cards—what is that, Cumorich?

The Witness: Well, I think there is other cards in there. There is other cards in here.

Mr. Seyfarth: Mark as Respondent's Exhibit No. 21 this pack of ten cards.

(Thereupon, the cards above referred to were marked as Respondent's Exhibit No. 21, for identification.)

1598 Mr. Seyfarth: Now, will you mark as Respondent's Exhibit No. 22 for identification this pack containing about 42 cards?

(Thereupon, the cards above referred to were marked as Respondent's Exhibit No. 22 for identification.)

Trial Examiner McCarthy: I wonder if it wouldn't be more convenient to prepare that in the form of an exhibit?

Mr. Seyfarth: I will after I marked them for identification.

And then will you mark this pack of cards Respondent's Exhibit No. 23 for identification?

(Thereupon, the cards above referred to were marked as Respondent's Exhibit No. 23 for identification.)

Q. (By Mr. Seyfarth.) What does Respondent's Exhibit No. 21, the pack of card of about 10 in number consist of?

A. This here pack?

Q. Yes, the small pack containing about 10 cards.

A. A comparison between—

Q. Speak loudly now so that the Examiner can hear you.

A. A comparison between Nick Cumorich and the other men, regarding the time it took him to do his work.

Q. What does Respondent's Exhibit 22 consist of?

A. About the same thing.

1599 Trial Examiner McCarthy: On the same person?

The Witness: Yes, sir.

Q. (By Mr. Seyfarth.) What does Respondent's Exhibit 23 for identification consist of?

A. It is a comparison of labor cards between Mike Karbol and other men.

Q. About how many labor cards are there of Nick Cumorich in there?

A. Oh, maybe half; maybe better.

Trial Examiner McCarthy: Maybe what?

Mr. Seyfarth: Will you examine them and find out, please?

Trial Examiner McCarthy: What is the distinction between Exhibits 21 and 22?

Mr. Seyfarth: There is no distinction. They just happened to come in different packages, so he says.

Trial Examiner McCarthy: Why don't you introduce them as one exhibit, then?

Mr. Seyfarth: I can do that.

The Witness: All Nick Cumorich's cards in this one.

Q. (By Mr. Seyfarth.) There are approximately how many?

A. 43, I think.

Q. There are 43 cards of Nick Cumorich.

Now, how many of Nick Cumorich are there in Respondent's Exhibit No. 21?

A. Two.

1600 - Q. Two out of ten?

A. Yes, sir.

Q. The other eight are labor cards of whom?

A. Of other men.

Q. Now, is it the practice of the employees to turn in a daily labor card?

A. Yes, sir.

Q. Did you make a comparison between the labor cards as turned in by Nick Cumorich and those as turned in by other workmen?

A. I did.

Q. Just a minute. That answers the question.

Now, who were the other workmen that you compared with Nick Cumorich?

A. 1,242; 1,244; 1,227; that's three men.

Q. Three different men?

A. Yes, sir.

Q. Did you make any sort of a recap or an analysis of your discoveries regarding Nick Cumorich?

A. Yes, sir.

Q. Will you tell the Examiner briefly what you discovered?

A. Well, it is a kind of a— Do you want me to read it all?

Q. Speak loudly.

A. Regarding Nick Cumorich, D. F. 1287; Cumorich was hired as an experienced chipper and grinder, was used as a laborer for a period of time to become accustomed to the work and to wait an opportunity to locate on the chipper and grinding posts. When the opportunity arose he was then put on grinding small castings in the mill room, and after trial of about seven weeks was found to be unfit for the job for which he was hired and discharged about the 19th of May, his production being about 35 per cent below average.

Q. Did the cards that you had examined in comparison with other men disclose that he was about 35 per cent of the average?

A. Yes, sir.

Q. Now, did you have occasion to make time studies regarding the labor performed by Mike Karbol?

A. Well, there was rates already set. I have never taken any time studies on Mike Karbol personally; the rates had already been set on his work.

Q. Yes, that is my error.

Did you make an examination of Mike Karbol's labor cards?

A. Yes, sir.

Q. Have you got them with you?

A. Yes, sir.

Q. They are Respondent's Exhibit 23 for identification, are they not?

A. Yes, sir.

1602 A. Now, about how many of those cards are Mike Karbol's? Just give us in round numbers about how many of the cards of Karbol there are in comparison to the cards of other workmen in the department.

A. Oh, I daresay about 35 per cent.

Q. 35 per cent—

A. About that.

Q. —are Karbol's cards?

A. Yes, sir.

Q. And the other approximately two-thirds of the cards are cards of other workmen which you used as a basis for comparison; is that right?

A. Yes, sir.

Q. Now, did you make an analysis of what you had found out regarding the deficiency of Karbol?

A. Yes, sir.

Q. Will you state in a few words to the Examiner what you found out?

A. Regarding Mike Karbol, D. F. 1242; Mike Karbol was started on productive work on or about February 18, 1937. This comparison covers approximately 90 per cent of his productive labor from that time until his discharge on the 19th of May, 1937. The results of this check were obtained by comparing the time cards with five men that performed the same work during about the same period, the total time and minutes of the jobs compared.

1603 Trial Examiner McCarthy: What was that again?

The Witness: The total time and minutes of jobs compared—that is, the time in minutes of jobs compared—

Trial Examiner McCarthy: Yes.

The Witness: 28,538 minutes, and the total time in minutes of jobs not compared, 4,194 minutes. The per cent of work on which comparison was made was 86 per cent.

The total of the average time in minutes per job; Mike Karbol took 2,983.3 minutes, the other men 1,600.8 minutes. In other words, it took Mike Karbol about 150 per cent longer to perform his work than it did any one of the other five men.

Q. (By Mr. Seyfarth.) Now, what would you say was Mike Karbol's efficiency in relation to the other men that you took?

A. Very poor.

Q. About what percentage?

A. Well,—

Q. If it took him 150 per cent more time to do the work than it would an average man, it would be an average of about 30 to 35 per cent, wouldn't it?

A. Yes, sir.

Q. Now, did you select any particular men as the average workman?

A. No, I just tried to find time cards that would compare. I took any man. I wanted to try to make a

1604 comparison, if possible.

Q. (By Trial Examiner McCarthy.) Other chippers?

A. Yes, other chippers.

Q. Working in the same department?

A. Yes, sir.

Q. Now, did you follow the same routine regarding Cumorich?

A. Yes, as far as I could.

Q. What was the limitation? You said as far as you could.

A. It was hard to find time cards for a good comparison on Cumorich because the jobs at that time wasn't coming through and he was doing almost one class of work.

Q. (By Mr. Seyfarth.) What class of work was he doing?

A. Grinding in the mill room.

Q. You say the work wasn't coming through at that time in any variation?

A. He done a certain amount of grinding there that would be finished up by him, see, and then the next day I wouldn't have a comparison of time cards.

Q. In other words, the cards didn't come through consistently—

A. That is it.

Q. —because there was more or less of an interruption in the work that he was doing.

Q. (By Trial Examiner McCarthy.) Was Cumorich a grinder or a laborer?

1605 A. He was hired as a chipper and grinder.

Q. But he was not used as that, was he?

A. He was hired as a chipper and grinder, but we put him on as a laborer for a while until he become accustomed to the work and to await an opportunity to put him on the grinders.

Q. (By Mr. Seyfarth.) How long did you have him on as a grinder, do you know?

A. No, I don't.

Q. (By Trial Examiner McCarthy.) Is it your usual practice to make these studies? Is that the ordinary course of your work?

A. Yes, sir, I see that the men keep up the production.

Q. Well, how does it happen that this just developed? According to Mike Karbol's testimony, he worked seven years from 1925 and then five years from 1932. Now, how would you explain that, why your studies didn't reveal this condition before on Mike Karbol? Had you ever made a study on him before?

A. No, I didn't.

Q. In other words, in about twelve year's time no study was ever made on him?

A. That is, his cards were checked.

Q. (By Mr. Seyfarth.) Do you know whether or not you had a rate system back in those years?

1606 A. Yes, but there was very little piece work back in them years.

Q. There was very little piece work in those days?

A. Yes.

Q. Is that a reason do you think why time studies were not made on him at that time?

A. Well, yes.

Q. Now, when were you asked to make—strike that.

Was this examination of Cumorich and Karbol routine, or were you asked specifically to make time studies on these men?

A. I was asked to check up. I always do check up time cards.

Q. That is a routine matter with you, is it?

A. That is a routine matter, yes.

Q. (By Trial Examiner McCarthy.) Were you asked to check up these men?

A. Yes, sir.

Q. By whom?

A. By Mr. Skeates.

Q. (By Mr. Seyfarth.) You were asked to make a specific study regarding their work, were you?

A. I was told to, yes, sir.

Q. Were you told the reason why?

A. Well, the foreman of the department claimed that they weren't producing work.

1607 Q. (By Trial Examiner McCarthy.) Who is the foreman?

A. Mr. McKinney.

Q. (By Mr. Seyfarth.) Mr. McKinney?

A. Yes, sir. He was at that time.

Q. And he relayed that information to Skeates to the best of your knowledge?

A. That is right.

Q. And Mr. Skeates who is your superior asked you to make the time studies; is that the fact?

A. He asked me to check over their time cards.

Q. Yes. Now, did you in any way discriminate against Karbol or Cumorich in picking out cards?

A. No, sir.

Q. You used the best information that you had available, did you, to make this study?

A. Yes, sir.

Q. And did you make it fairly and honestly?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) The last two months that Mike Karbol or that Nick Cumorich was working at the plant, was he working as a chipper, a laborer or a grinder?

A. He was working as a chipper.

Mr. Seyfarth: You may cross-examine.

1608

Cross-Examination.

Q. (By Mr. Reynolds.) Are you familiar with the work of a chipper and grinder?

A. Yes, sir.

Q. Do you know whether there is any difference in the production that a chipper can make depending upon the work that is given to him?

A. I just don't understand your question.

Q. Well, say that one chipper consistently gets his work from more skilled moulders than other chippers; isn't it a fact that his production is considerably better than the chipper who received work from some of the less skilled, less experienced moulders?

A. On the average it would average itself out.

Q. Are you sure of that?

A. I am almost positive of that.

Q. (By Trial Examiner McCarthy.) Just how would it average itself out?

A. Well, a chipper may work on 15 or 20 jobs a day.

Q. They don't all come from the same moulder?

A. No, sir.

Q. (By Mr. Reynolds.) When you speak of averages you are speaking of the cleaning room as a whole, aren't you?

A. Either the cleaning room as a whole or an individual chipper.

1609 Q. Yes, but individual chippers in the cleaning room as a whole don't always perform exactly the same type of work; isn't that true?

A. That is true.

Q. Very well, then.

A. Just a minute. The same class of work. What is the meaning of the same class of work? If you are going to put a broad classification on it, chipping castings would be the only classification.

Q. That is right, they all work on castings, but some

of them get dirty castings and some of them get clean castings; isn't that true?

A. They all do that.

Q. You say there is no difference in the whole department as to the type of work the chippers do; they all get about the same run of work?

A. Yes, sir. Some work on large work; some work on small work.

Q. Yes. And you say there is no variation in the cleanness of the work that comes to the chippers?

A. I didn't say that.

Q. Well, at least you took no account of a possible variation of that kind in making your time study of these two men, did you?

A. The jobs were based on an average, the 1610 average amount of work going through the cleaning room.

Q. Yes, but that doesn't indicate that the work that any particular man does in there is the average of the whole department, does it?

Do you understand the question?

A. No, I don't.

Trial Examiner McCarthy: Reread the question, please, Mr. Reporter.

(Question read.)

The Witness: Well, that is a pretty broad question.

Trial Examiner McCarthy: Can you explain it? You are more familiar with the operation than we are.

The Witness: Yes, sir.

Mr. Reynolds: I think I can bring it out by questioning.

Q. (By Mr. Reynolds.) You have different rates among the chippers, don't you?

A. Yes, sir.

Q. And those rates depend on the different types and the weight of the castings that the men work on; is that right?

A. Yes, sir.

Q. And there are some chippers that work on one particular type or a few types of castings that other chippers never do work on; isn't that right?

A. That is right.

1611 Q. Now, what were the rates that Karbol and Cumorich had? Were they comparably high with the other chippers or low?

Trial Examiner McCarthy: What is that; rates of pay?

Mr. Reynolds: Rates of pay.

The Witness: Rates of pay?

Mr. Reynolds: Yes.

The Witness: Their rates, the rate on a particular job is based on the length of time it takes to do that job.

Q. (By Mr. Reynolds.) Well, how do their rates compare with other chippers?

A. It all depends upon the castings. If you have difficult castings to chip, or easy castings to chip. There are broad classifications. One casting isn't the same as another.

Q. Now, do those cards reflect that average in the type of work that these men do?

A. I tried to pick out jobs similar. Some of them are exactly the same.

Q. At the same time you had in mind the purpose for which these cards were going to be introduced in evidence, didn't you?

A. No, sir, I didn't know they were going to be produced in evidence.

Q. You knew what purpose the superintendent, Skeates, had when he asked you for them, didn't you?

A. I knew that he wanted to get a comparative 1612 figure on what these men did.

Q. Now, isn't it true that the jobs among the chippers which carry the best rates are turned over to certain chippers and grinders with more experience and time with the company?

A. No, I can't say that.

Q. (By Trial Examiner McCarthy.) Are you in a position to know whether that is true?

A. Yes, sir, I had charge of the cleaning room.

Q. Of the cleaning room?

A. Yes, sir.

Q. Of the time studies in the cleaning room?

A. No, I had charge of the cleaning room for about three years.

Mr. Seyfarth: At one time he testified he was foreman.

Q. (By Mr. Reynolds.) Now, were Nick Cumerich and Mike Karbol on the rate system or were they hourly paid?

A. We have two plans of bonus payment down there; the one is called the manit, and the other is a piece work system.

Q. The piece work system in general is followed with respect to the more skilled chippers, isn't it?

A. The more skilled chippers?

Q. Yes.

A. Not necessarily.

Q. (By Trial Examiner McCarthy.) Well, how
1613 do you determine whether to pay a man an hourly rate or put him on piece work?

A. It all depends on whether you have a time study of the job and former piece work for that job.

Q. Don't you usually time study all jobs?

A. We have what they call the manit system down there?

Q. The what?

A. The manit system.

Q. Manit?

A. Bonus system, yes, sir; the castings are classified according to description and weight, and they are paid by the hundredweight according to a particular description of the castings. Sprockets may have one classification and bearings may have another classification, and then according to their weight, hundredweight. A casting may weigh 20 pounds. There would be five castings to make up that hundredweight. They are paid a certain bonus if they hit over the time allowed for that job.

Q. (By Mr. Reynolds.) Now, isn't it a fact that the foreman has the control over the type of castings the chippers work on and assigns the work to them?

A. Yes, sir.

Q. And isn't it the fact that customarily the dirtiest jobs, meaning the jobs that are in the roughest condition, are worked on by chippers on an hourly basis rather than piece work?

1614 The Witness: Give me that question again, please.

Trial Examiner McCarthy: Will you read the question?

(Question read.)

The Witness: That is true, to a certain extent.

Q. (By Mr. Reynolds.) Now, is there anything to show from Mike Karbol's card or Nick Cumorich's card how much of their work was put in on an hourly basis and how much on a piece work basis?

A. I think there is. I haven't got the percentage, but I have got the totals of their rated jobs. I haven't got the percentage, in other words.

Q. And those percentages might very well be different from the percentages you have got on those other cards of other employees that you compared them with; isn't that right?

A. What percentage?

Q. The percentage of time spent on piece work and hourly work.

A. Well, on Mike Karbol I think the greater portion of it is piece work. I think so.

Q. Yes, but you don't have anything that indicates that, do you?

A. Only the time cards.

Trial Examiner McCarthy: I wonder if the witness could prepare his study in the form of an exhibit. Would that take too great a time? Just show us the basis 1615 upon which you have arrived at your conclusion.

Mr. Seyfarth: I think that would be sensible. If it is agreeable with counsel for the Board, we can withdraw the witness, and let him make that examination and recall him this afternoon for further cross-examination.

Trial Examiner McCarthy: I think that would facilitate matters.

Mr. Seyfarth: Is that agreeable to you, Mr. Reynolds?

Mr. Reynolds: Yes, it is.

Mr. Seyfarth: Could you do that, Mr. Peters?

Trial Examiner McCarthy: Just tabulate it in the form of an exhibit; take the cards that you have used and the rates of pay. You know how. However you arrived at it.

Mr. Seyfarth: And can you tell from the cards whether the labor performed is on a piece work or hourly rate?

The Witness: Yes, sir.

Mr. Seyfarth: And make that tabulation.

The Witness: I will make that tabulation.

Mr. Seyfarth: Make that tabulation.

Mr. Reynolds: And will the time cards be brought also in support of that?

Trial Examiner McCarthy: Yes.

Mr. Seyfarth: They are here now.

(Witness excused.)

Mr. Seyfarth: Mr. Elsen, please.

1616 JOHN J. ELSEN, a witness called by and on behalf of the Respondent, Link Belt Company, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, please?

A. John J. Elsen.

Q. What is your address, Mr. Elsen?

A. 8127 South Wood Street.

Q. You are employed by the Link Belt Company?

A. Yes, sir.

Q. In what capacity?

A. Production department.

Q. Are you a foreman?

A. No, sir.

Q. You are a production man?

A. Yes, sir.

Q. How long have you been working for the Link Belt Company?

A. Twenty years.

Q. (By Trial Examiner McCarthy.) What do you do? What kind of production?

A. I do all the typing and hectographing on orders.

Q. Typing?

A. And hectographing, duplicating.

Mr. Seyfarth: Have you got those exhibits, Mr. Reynolds?

1617 Q. (By Trial Examiner McCarthy.) Is that the office?

A. Yes, sir.

Q. Trial Examiner McCarthy: What are you looking for?

Mr. Seyfarth: The Board's Exhibit relating to those typed notes.

Trial Examiner McCarthy: They are in there as 19, 20 and 21.

Q. (By Mr. Seyfarth.) Mr. Elsen, I show you a sheet marked as Exhibit 2-A and ask you if you typed that sheet?

A. I did.

Q. I show you Board's Exhibit 23 and ask you if you typed that sheet?

A. No, sir.

Q. I show you Board's Exhibit 20 and ask you if you typed that sheet or anything that appeared on the rear of it?

A. This one.

Q. You typed the side that says "Business meeting of the I. U. of C. at Lithuanian Auditorium, 3133 South Halsted Street, Tuesday, June 1st, at 7:30 p. m. Be sure and be there." Is that true? You typed that side of it?

A. Yes, sir.

Q. I show you Board's Exhibit 21; did you type the information contained on that exhibit?

A. No, sir.

Q. You did not. So the only two exhibits that 1618 you typed are 2-A and 20?

A. Yes, sir.

Q. Who asked you to type those?

A. Mr. Greenlee.

Q. Who is he?

A. He also works in the production department.

Q. Is he a foreman?

A. No, sir.

Q. Did you ever tell your foreman that you were doing that typing?

A. No, sir.

Q. (By Trial Examiner McCarthy.) Does he work in the planning room?

A. Yes, sir.

Q. Are the production department and planning room the same thing?

A. Yes, sir.

Trial Examiner McCarthy: I thought production was in the foundry.

Q. (By Mr. Seyfarth.) Did you ever tell any officer or member of the supervisory force of the Link Belt Company that you typed those two exhibits?

A. No, sir.

Q. What time did you type them?

A. After quitting time.

1619 Q. What was the approximate date?

A. Oh, I should say about—oh, I don't remember the approximate date. Sometime in May, I believe, or April, or something like that.

Q. Sometime in May of 1937?

A. '37, yes, sir.

Q. Now, did you tell your supervisor that you were staying after working hours?

A. No, sir.

Q. Did you do this unbeknown to him?

A. Yes, sir.

Q. Are you a member of the Independent Union?

A. Yes, sir.

Q. Would you say that you did this as a favor for whoever asked you to do it?

A. Yes, sir.

Q. Did you put in an overtime card—

A. No, sir.

Q. —to the company for the work that you did that night?

A. No, sir.

Mr. Seyfarth: Cross-examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Are you sure Mr. Greenlee brought you that material to type?

A. Yes, sir.

1620 Q. It was not Mr. Brucks?

A. No, sir.

Q. Isn't it a fact that you called Mr. Berry to get his O. K. before you went ahead and typed those things?

A. No, sir, I did not.

Q. Didn't you know very well that sooner or later they would come into the possession of the company?

A. Sure I did.

Q. Why were you so careful about concealing your part in it from the company?

A. Well, there was no concealing at all. The boss, he goes home earlier.

Q. But you didn't make any mention of it any time later?

A. No, sir.

Q. Were you a member of the Independent Union at the time Greenlee brought it to you?

A. Yes, sir.

Q. Where did you join?

A. Down at the shop.

Q. On the job?

A. No, down at the shop; not on the job.

Q. Before work or noon hour, I suppose.

A. Yes, sir.

Q. Which one?

A. Noon hour.

1621 Q. Did you see any solicitation—

A. No, sir.

Q. —around the shop during working hours?

A. No, sir.

Q. Never was any of that, so far as you know?

A. No, sir.

Mr. Reynolds: That is all.

Q. (By Mr. Wham.) How long did this mimeographing take you?

A. Fifteen minutes at the longest.

Q. Is that true of both and each of them?

A. Yes, sir.

Mr. Wham: That is all.

Mr. Seyfarth: Just a minute.

Redirect Examination.

Q. (By Mr. Seyfarth.) You were asked the question whether or not you knew at the time you printed those that they would come into the possession of the company. Now, just what did you understand by that question?

A. Well, I thought that sooner or later that somebody would see them.

Q. You didn't know whether anybody from the company would see them?

A. I didn't know—no, not the company.

Q. You thought that they might be passed out around the plant?

1622 A. No, not around the plant. There was evidence of all other hand bills that gets thrown around, I suppose.

Q. And if somebody happened to pick one of them up outside of the plant or inside the plant and take them to the management, why, then they would come to the knowledge, into the possession of the supervisory force of the company, wouldn't they?

A. Yes, sir. Then I would get mine, I suppose.

Mr. Seyfarth: That is all.

Recross Examination:

Q. (By Mr. Reynolds.) Did Mr. Brucks ever come to you with a piece of paper or list in his hand?

A. No, sir.

Q. Mr. Greenlee is the only man—

A. Yes, sir.

Q. —that ever asked you to do anything of this nature?

A. Yes, sir.

Q. Now, you printed invitations to Independent Union meetings more than once, didn't you?

A. Twice.

Q. Twice?

A. Yes, sir.

Q. One was for the first meeting; is that correct?

A. Well, I don't remember now.

Q. On April 22nd.

1623 A. It might have been. I couldn't swear to it.

Q. You did both of them after working hours at night?

A. Yes, sir.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Seyfarth: Mr. Axel Olson.

AXEL E. OLSON, a witness called by and on behalf of the Respondent, Link Belt Company, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) What is your name, sir?

A. Axel E. Olson?

Q. Where do you live, Mr. Olson?

A. 2017 West 65th.

Q. How long have you been working for the Link Belt Company?

A. Going on 33 years.

Q. You are a foreman there?

A. Yes.

Q. What department?

A. Foundry.

Q. Now, who is your immediate superior?

A. Fred B. Skeates.

1624 Q. Did you ever receive any instructions from Mr. Skeates about your conduct regarding union activities?

A. I did.

Q. What did he tell you?

A. He told me not to partake in any union activity or discuss union with anybody.

Q. Now, there has been some testimony here that you were the foreman of the steel floor and Zenon Petrouski solicited members for the Independent Union in your department. Do you know anything about that?

A. No, I don't.

Q. There was also some testimony that you stated to Mr. Paul Bozurich after the evening when John L. Lewis was scheduled to speak at the Chicago Stadium and failed to show up, that you stated, "Where was your Mr. Lewis last night? That shows he doesn't care for you fellows but is looking for money." Did you ever tell Mr. Bozurich that?

A. I never did.

Q. Now, there was some testimony here that Frank Lackhouse in April, 1937, was taken up to the hub room by you and you spent 20 minutes trying to convince him that an independent union was much better for the company and for the men than the C. I. O., and that you gave him a list for the Independents to sign up. Is that true or false?

A. That is false. That is a lie.

1625 Q. You did not attend the supervisory meetings during the noon hour, did you, Mr. Olson?

A. No.

Q. And you merely got your instructions through Mr. Fred Skeates?

A. Yes.

Mr. Seyfarth: You may cross-examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Did you ever see any solicitation for the Independent Union in your department?

A. I did not.

Q. You never did?

A. No.

Q. You never saw any lists being circulated or any cards being circulated?

A. No, I did not.

Q. Did it come to your notice that such had been done in your department?

A. You are referring to working hours now?

Q. Yes.

A. No, never did on working hours?

Q. It never happened on working hours?

A. No, not that I know of.

Q. Did you know of Paul Bozurich being laid off?

A. Yes, I know he was laid off.

1626 Q. What kind of work did Bozurich do there?

A. He was a moulder.

Q. What kind of moulder?

A. On the grey iron.

Q. Is that a skilled moulder?

A. Oh, I would say it would be.

Mr. Seyfarth: I think this is repetition, if the Examiner pleases. I think the subject has been gone over many times.

Trial Examiner McCarthy: What is the purpose? I think that is correct.

Mr. Reynolds: I am just trying to find out from the general foreman of the foundry what type of work Paul Bozurich could do. We have had conflicting stories in here about it.

Trial Examiner McCarthy: He may answer.

Mr. Seyfarth: Just a minute. This man was foreman on the steel floor. Now, the foreman of the grey iron floor was here yesterday.

Mr. Reynolds: This man is general foreman of the foundry.

Mr. Seyfarth: Mr. Skeates is general foreman of the foundry, and we have had his testimony. I don't mind; just that it is taking up time.

Q. (By Trial Examiner McCarthy.) You are fore-
1627 man of the foundry?

A. Of the steel floor.

Q. Of the steel floor; not of the foundry?

A. No, foreman of the steel floor, steel moulding.

Q. (By Mr. Reynolds.) You have no supervision over other parts of the foundry whatever?

A. Only distribution of metal. They check up on the moulds and let me know just how much metal they want to pour out on the floors, and it's up to me to see to try to get that amount of metal to them.

Q. You were on the grey iron floor before you were on the steel floor, weren't you?

A. Oh, yes, years ago.

Q. You are familiar with the work all throughout the foundry, aren't you?

A. Oh, fairly so.

Q. (By Trial Examiner McCarthy.) Were you on the grey iron floor last spring?

A. No, I have been on the steel floor several years.

Q. Keep your voice up so the reporter can hear you.

A. All right.

Q. You say you have been on the steel floor for several years; is that what you said?

A. Yes.

Q. (By Mr. Reynolds.) Now, when did Mr. 1628 Skeats talk with you about union matters?

A. About the time when the Wagner Act was declared legal. He told me to be sure not to have any part in any union activity or discussion of any kind.

Q. Now, had the Independent Union begun to organize at the time he talked to you, or was it later?

A. Later.

Q. It was later?

A. Yes.

Q. How much later?

A. I couldn't tell you.

Q. (By Trial Examiner McCarthy.) Do you know approximately? Was it a month or two months or only two weeks?

A. Well, I couldn't say.

Q. Do you remember when all this activity took place?

A. Yes.

Q. Can you place a time in relation to that time when the activity occurred?

A. I was told before the activity actually started to lay off.

Q. Before the activity started to lay off?

A. Yes, to lay off.

Q. (By Mr. Reynolds.) Then you were mistaken when you said just a moment ago that he told you later, after the Independent Union had begun organizing?

1629 A. It was a misunderstanding, if there was anything to that effect.

Q. What is the fact; had the Independent Union begun organizing when Mr. Skeats mentioned that to you?

A. I was advised before I knew anything about organizing not to take any part in any union activities; quite a while before I heard anything.

Q. (By Trial Examiner McCarthy.) How long before? Was it two weeks?

A. Possibly two weeks; possibly a month.

Q. About a month before?

A. I kept no date whatever of anything.

Q. (By Mr. Reynolds.) While that was in progress you didn't say a word to anybody; is that it?

A. I did not.

Yes, I will admit I said to Frank Lackhouse when I first heard of the Independent. It was just a rumor, and I walked out to Frank Lackhouse and I said, "Frank, I hear a rumor that the boys are trying to form an independent union. Have you heard anything about it?"

"No," he said.

"Well, I don't know," I said, "there may not be anything to it." And I walked away.

Q. That is the only time you ever said anything about the Independent Union?

1630 A. That is the only time.

Q. That time?

A. That is the only time.

Q. And you didn't see a thing while all the organizing was going on?

A. Not during working hours, I didn't.

Q. Well, did you other times?

A. Noon hour I see it.

Q. Well, what did you see?

A. I seen them distributing cards, sitting around talking and they had cards between them.

Q. (By Trial Examiner McCarthy.) Did you see them distributing any lists?

A. No, I did not.

Q. Did you ever see one of those lists?

A. No, I haven't. I don't know what they are.

Q. (By Mr. Reynolds.) Did you have any instructions about solicitation during noon hour?

A. No, not on noon hour. Only during working hours, I was told.

Q. That is what Mr. Skeates told you?

A. Yes, not to allow any soliciting during working hours. Noon hour, of course, I didn't have anything to do with it.

Mr. Reynolds: That is all.

1631 Q. (By Mr. Wham.) George Lackhouse testified that his brother, Frank, told him that he got one of these lists from you. Did you ever have one of these lists and give it to Frank?

A. I never saw a list. I don't know what the list looked like, and I have no idea.

Q. He was referring to one of these legal sized or letter

sized papers that they used to sign up the Independent Union people.

A. I don't know what kind of a list they had. I didn't see any.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Seyfarth, William Siskauskis.

Trial Examiner McCarthy: Is this "Splits"?

Mr. Seyfarth: This is "Splits".

Mr. Siskauskis: I don't want to hear that.

WILLIAM SISKKAUSKIS, a witness called by and on behalf of the Respondent, Link Belt Company, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) What is your name, sir?

A. Bill. "Bill Splits" we can call him.

Q. You spell your last name S-i-s-k-a-u-s-k-i-s?

1632 A. Yes, sir.

Q. Where do you live?

A. 3415 Emerald.

Q. How long have you been working for the Link Belt Company?

A. Oh, I believe around 28 years.

Q. You are a foreman over there?

A. I am foreman now.

Q. When were you made a foreman?

A. Oh, around before I work around 22 years, I believe.

Q. What department are you the foreman of?

A. Machine floor.

Q. How long have you been the foreman of the machine floor?

A. Well, from the time I started foreman.

Q. Now, you are the man that has been referred to throughout this case as "Splits," is that right?

A. Yes, sir. Well, they call me a nickname in the shop, but I can take it. I don't care what they call me.

Q. Now, there has been some testimony here given by Fred Johnson—

By the way, have you ever been down here before yesterday?

A. Sunday?

Q. Yesterday was Monday. Were you down here yesterday?

1633 A. No.

Q. This is the first time you have been down here?

A. The first time I come in here.

Q. You have not heard any of the other testimony given here, have you?

A. No, sir.

Q. Do you know Fred Johnson?

A. Electrician?

Q. Yes.

A. Yes, I know him.

Q. Now, he testified that he saw you soliciting membership for the Independent Union; is that true or false?

A. No, sir, I never select anybody.

Trial Examiner McCarthy: What did he say; "never selected anybody"?

The Witness: No.

Q. (By Mr. Seyfarth.) You mean "solicit", don't you?

A. Solicit, yes, sir, whatever that is. I can not—

Q. I understand all right.

A. Hard talking in English.

Q. That is all right. Do you know John Tomas?

A. Tom as?

Q. Yes.

A. Joe Tomas.

Q. Is it Joe Tomas?

1634 A. Joe Tomas.

Q. Where does he work?

A. He works on the bench.

Q. In your department?

A. No, he works on the second floor.

Q. He works on the second floor?

A. Yes.

Q. What floor are you on?

A. First floor. Side floor, we call it.

Q. Yes. Now, Joe Tomas testified that "Big Louie Splits—"

Are you "Louie Splits"? Do they call you "Louie Splits"?

A. No, my name is "Bill Splits," all I hear in the shop.

Q. Do they ever call you "Louie Splits"?

A. Maybe Joe Tomas don't know any better, he calls me Louie.

Q. He knows that your name is Bill?

A. I don't know exactly if he knows or not. I think that fellow don't know his own name.

Q. Now, he testified that you asked him to join the Independent Union and you said to him, "We have got to have 51 per cent to sign up,—"

A. No, sir.

Q. "—and we want to get an inside union to keep out the outside union." Is that true or false?

A. No, I didn't say a word. I didn't say a word.

1635 Q. Now, do you know Paul Bozurich?

A. Yes, sir.

Q. What department does he work in?

A. He working on the grey iron floor. He don't work for me.

Q. He doesn't work for you?

A. No.

Q. Now, he testified that he saw you at a meeting of the Independent Union. Did you go to that meeting, "Splits"?

A. Yes, sir, I was one, the first one, and I stayed there maybe about for half an hour or so, and then I had to scram; that is all. That was in my neighborhood. I just went in there and see what is going on and then I just got tired of that and I walked away, walk out, that is all.

Q. Do you live near the Lithuanian Hall?

A. Yes, sir, a block and a half away from the hall. That is why I sneak in there.

Q. Did you know at that time that you weren't supposed to go in there?

A. I didn't know. I didn't know even what was going on there.

Q. You just happened to be going by the hall, did you?

A. Yes, sir, going by the hall I see crowds there and I just walk up on the second floor and see what is going on, and then I see some kind of meeting. I hang around
1636 there twenty minutes, half an hour, and then I get out of there.

Q. Now, you have been to the Lithuanian Hall before, haven't you?

A. Oh, twice a week.

Q. You don't attend dances there, do you, "Splits"?

A. Sure, a lot of dances and everything.

Q. Now, Joe Tomas said that for three days in succession you wanted him to sign his name to a list of the Independent Union; is that true or false?

A. False. I didn't ask him and I didn't talk even to him about any union.

Q. Just a minute. He said, "Sign up or you will lose your job."

A. No, sir.

Q. He said that you said that. Did you ever say that to him?

A. No, sir, no, sir.

Q. And he said that you took him into an office by the time clock where there was a man with a mustache and that you tried to get him to sign a paper in there. Did you ever take him in the office?

A. No, I didn't.

Q. Did you ever write his name on a piece of paper?

A. No.

Q. Now, do you know Dominick Pronsktes?

1637 A. Yes, sir.

Q. Where does he work?

A. He works on the second floor with that Joe Tomas.

Q. He works on the second floor with Joe Tomas?

A. Yes, sir.

Q. He said that you asked him to join the Independent Union.

A. No.

Q. And he said that when you asked him to join the Independent Union you were working on a machine. Do you work on the machine?

A. Who, me?

Q. Yes.

A. Yes, sir, I am a foreman on the machine, on the machine floor, yes, sir.

Q. Do you ever work on any of the machines?

A. Oh, I can. No, I never work, but I can work on any machine.

Q. You can but you don't do it when you are foreman?

A. Yes, sir, I just show the fellow how to work, just show the class of work, how to make. That is my duty.

Q. You are the boss, not the worker?

A. I am not the boss, just straw boss, that is all.

Q. Did you ever tell Pronsktes, "If you don't sign you are going to get out of here?"

A. No.

1638 Q. Did you ever say, "Why don't you join the Independents? The hell with the C. I. O.?"

A. No, sir, I didn't say a word about either union.

Q. Now, did Pronsktes ever say anything to you about the Wagner Law?

A. No, sir.

Q. "Splits," do you know anything about the Wagner Law?

A. I don't know nothing and he never say anything to me.

Q. You wouldn't know what he was talking about if he did say it?

A. Yes, sir, I don't know those kind of laws at all.

Q. You just pay attention to your job as foreman?

A. To my work, that is all.

Q. And you are a pretty good foreman?

A. Well, I don't know how good I am. I try to be good.

Mr. Seyfarth: Cross-examine.

Trial Examiner McCarthy: We will have a five minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed.

Cross-Examination.

Q. (By Mr. Reynolds.) Do you ever sit with your men at lunch time, Mr. Siskauskis?

A. No.

Q. Never do?

1639 A. No.

Q. Don't you recall one occasion that you were with a group of men seated there, Mr. Grinis present also, when Paul Bozurich came up and there was a remark about the C. I. O.?

A. No, I don't remember. I don't remember anything about that. Nobody just made any remarks over there.

Q. Yes. And don't you remember that after that in the afternoon you came around to Paul Bozurich and told him not to take seriously something that you had said there?

A. No, I didn't say anything.

Q. Don't you remember that he made a remark that the thing that you had said would allow him to go to the Labor Board if he wanted to make a complaint?

A. No, sir, I didn't say nothing to nobody.

Q. Do you remember that Paul Bozurich made any statement like that in your presence?

A. No.

Mr. Seyfarth: He said he never made the statement, if the Examiner pleases.

The Witness: No, sir, no, sir.

Trial Examiner McCarthy: I am not sure whether the witness understands exactly what is meant at all times.

Mr. Seyfarth: I think these questions ought to be phrased very simply.

1640 Trial Examiner McCarthy: - Make them a little simpler.

Q. (By Mr. Reynolds.) You never said anything about the C. I. O. at the plant?

A: No, sir, I never said a word.

Q. (By Trial Examiner McCarthy.) Bill, there was a lot of talk. Do you remember about a year ago there was a lot of talk about unions?

A. Yes, sir.

Q. It wouldn't be very natural if you didn't.

A. Yes, sir, but we were instructed by our boss not to have anything to do with no union; all we were worrying about was our work; and I didn't pay no attention to no unions at all.

Q. (By Mr. Reynolds.) When were you instructed by the boss not to have anything to do with it?

A. Well, first they started, first they started, that union come out. I couldn't remember the date or anything.

Q. The Independent Union, you mean?

A. Both of them, I guess. The boys come out in the morning, oh, 9 or 10 o'clock, and Mr. Skeates told us, "Bill, forget everything; just do your work; don't pay no attention to no unions at all."

And I took his word and I wasn't paying any attention to no unions at all.

Q. (By Trial Examiner McCarthy.) Bill, what 1641 do you mean when you say "They come out about 10 o'clock"? What came out?

A. Well, they talking in the shop.

Q. Did you see any lists?

A. No, sir, I didn't see any lists.

Q. (By Mr. Reynolds.) Did you see any men walk around the department?

A. No, sir. Maybe they did walk around when we weren't in the plant, when we out to leave our plant. A lot of fellows used to sit in the wash room and hang around there. I don't know what they have been doing. That is all.

Q. Did Mr. Skeates tell you that it was all right for the members of the Independent Union to solicit?

A. No, sir.

Q. What did he tell you?

A. He told me, "Just don't say nothing to nobody, just say nothing to nobody, just do your work." All I was worrying about was my work. I didn't talk to a man about any union.

Q. Then if you had seen a man walking up and down talking to your men you wouldn't have said anything to him; would you?

A. Well, during working hours, just tell him, any time they talk about anything, "Go on your work wherever you are working and go to your place," I told them a couple of times, that is all.

1642 Q. You didn't see any of it during working hours?

A. Well, I didn't see. When my gang used to get in a bunch, just two or three guys, I just tell them, "Split up; we got something else on our mind. You can talk that Sunday or when you are home, but we are here to work. Tend to your work." That is all.

Q. You did see some of it then?

A. Well, that is out of my gang.

Mr. Seyfarth: Well, Mr. Examiner, the attorney for the Board is assuming that when he sees two men standing within five feet of each other that they must be talking union business. I think this ought to be more explicit. Ask the witness if he ever heard any conversation about unions.

Mr. Reynolds: You know what the answer would be all right.

Q. (By Mr. Reynolds.) You never heard any conversation about union around the shop?

A. No, no.

Q. You never signed up anybody yourself?

A. No, sir, no, sir. I didn't sign nobody.

Q. Now, was it before or after the Independent Union organized out there that Mr. Skeates told you not to pay any attention to them?

A. Well, when this first started. I couldn't re-
1643 member exactly the date or month. That was maybe early in May, maybe the first of May or in April. I don't know when he told me, but he said, "Don't pay any attention to any of them, and that is all; just stick to your work."

Q. Do you remember when the company recognized the Independent Union as the collective bargaining representative of the employees out there?

A. No.

Q. Don't you know that?

A. No.

Q. (By Trial Examiner McCarthy.) Did you see that on the bulletin board?

A. No, sir. I even don't look at that bulletin board at all.

Mr. Reynolds: That is all.

Mr. Wham: Just a minute.

Mr. Reynolds: I would like to ask one or two more questions.

Mr. Wham: Yes, all right.

Q. (By Mr. Reynolds.) Were you present at the Independent Union meeting that you attended when Paul Bozurich asked some questions.

A. No.

Q. Do you remember that Paul Bozurich was there?

A. I didn't see him. Maybe he was. I was there 1644 maybe twenty minutes or half an hour and not longer, and I go away and I left the place.

Q. Now, were you ever told any thing about the Wagner Act by your superintendent or by anybody else?

A. No, no.

Mr. Reynolds: That is all.

Mr. Wham: Just a minute.

Cross-Examination.

Q. (By Mr. Wham.) Now, Bill, do you know Frank Lackhouse?

A. Yes, Sir.

Q. He testified that he came around to you with a list of the Independent Union and you took it out of his hands and signed up seven or eight members for the Independent Union.

A. No, sir.

Q. Did that ever happen?

A. No, no, sir. That's lies.

Q. Did you talk to Frank Lackhouse at all about that?

A. No, I didn't talk to him at all.

Q. Did you see Frank soliciting for the Independent?

A. I didn't. I didn't see it.

Q. How did you happen to go into that Independent meeting down there at Lithuanian Hall?

A. I don't know what was going on there.

Q. Did you see some of the boys? Did you know some of the boys there?

1645 A. No, when I passed that hall I didn't recognize nobody there, but I went in. I see a crowd and I went to that hall, and I meet a couple of guys and I said, "What is going to be here?"

Q. Did you meet anybody that you knew there?

A. Well, no. I didn't have nobody to meet because in a short time I left there. I was in the front hall and then I went inside. I might stay five, ten minutes, and then I walk away.

Q. Were you on your way home?

A. Yes, sir.

Q. Just passed there?

A. I passed there?

I tell you the truth, where I went. I got a couple of pigeons. I just went for pigeon food, and I stop in that hall and went out again.

Mr. Wham: That is all.

(Witness excused.)

Mr. Seyfarth: Mr. Wright.

EDGAR WELLINGTON WRIGHT, a witness called by and on behalf of the Respondent, Link Belt Company, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) Will you state your name, sir?

1646 A. Edgar Wellington Wright.

Q. What is the middle name?

A. Wellington.

Q. What is your address?

A. 446 East 81st Street.

Q. Do you work for the Link Belt Company?

A. Yes, sir.

Q. How long have you worked for them?

A. 18 years.

Q. What is your occupation there?

A. Metal pattern maker.

Q: About how old are you, Mr. Wright.

A. Forty-four.

Q. Will you please for the record describe your build? Would you say that you are short and stocky?

A. Well, I would.

Trial Examiner McCarthy: The reason he asked that, somebody has described some men here and we are trying to identify them, you see.

The Witness: Yes.

Q. (By Mr. Seyfarth.) About how much do you weigh, Mr. Wright?

A. I weigh 158.

Q. Now, Dominick Pronsktes gave some testimony, here. Do you know Pronsktes?

1647 A. I don't think I do. I may not know him by name.

Q. He testified that a man in the pattern shop who was about 50 years of age, short, stocky and weighed around 165 pounds, solicited every day sometime during May or June, 1937. Did you ever solicit for the Independent Union?

A. I have solicited, yes, sir.

Q. Did you ever solicit during working hours?

A. Well, I have when I had a chance.

Q. Well, what do you mean you did when you had a chance?

A. Well, I work in the pattern shop and the foundry both, see, and when I am working in the foundry, like if a plate doesn't fit the flask or anything I will go and work on that to make the plate fit the flask. Well, the man that I am doing it for, while I am there I will ask him—I did ask him.

Q. And that might be during working hours?

A. That might be during working hours.

Q. Did you ever do it in the presence of your boss?

A. Never.

Q. When you say that, you mean if the boss wasn't looking; is that right?

A. Wasn't around, yes, sir.

Mr. Seyfarth: Cross examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Who was the last man
1648 hired in the pattern shop?

A. Well, now, I couldn't tell that. I don't know.

Q. Do you remember how long ago the last man was hired?

A. I do not.

Q. Who is your foreman in there?

A. Fred Carlson.

Q. Does he have a brother that works in that department?

A. He has.

Q. When did the foreman's brother start working there?

A. I don't know.

Q. Well, you have been there 18 years, haven't you?

A. Yes, but I don't keep records.

Q. (By Trial Examiner McCarthy.) Don't you remember when he came?

A. No, I don't.

Q. (By Mr. Reynolds.) How many people are there in that department?

A. Well, I couldn't tell you off hand.

Trial Examiner McCarthy: Approximately?

The Witness: From 15 to 25; in between there, I should say.

Q. (By Mr. Reynolds.) You know everybody in there, don't you?

A. I do.

Q. Isn't it a fact that Mr. Carlson was the last 1649 employee hired in the pattern shop?

A. I don't think he is.

Q. Has strict seniority been followed in laying off and hiring men in the pattern shop?

A. As far as I know it has.

Q. Did you have any instructions from the foreman about soliciting for the Independent Union?

A. I did not.

Q. Did you ever have any instructions?

A. I never had any instructions.

Q. You never saw any bulletin posted about soliciting for union?

A. No, no.

Q. Well, how did you know that it would be disliked by the company if you did solicit during working hours?

A. Because they discharged a man for soliciting during working hours.

Q. (By Trial Examiner McCarthy.) Who was it?

A. Louis Salmon.

Q. (By Mr. Reynolds.) Did you see other soliciting during working hours besides yours?

A. Well, I couldn't say that I have. I have seen what I thought might be, but I didn't know what they were doing.

Q. Now, who did you see going around that way?

A. Why, I have see John Kowatch.

1650 Q. Who else?

A. And Bill Greenlee.

Q. Now, describe what they did:

A. Well, Kowatch is over in the pattern shop a good part of the time. He has got to run back and forth. I have seen him talk to different men. He comes for hubs and different things. He will talk with different men. I saw them talking, and I just figured—well, I knew that he belonged.

Q. How did you know he belonged?

A. Because I had helped solicit.

Q. You helped solicit with him?

A. Yes, out at the horse shoe game at noon I would solicit for him.

Q. Who else besides Kowatch and Greenlee did you see?

A. Well, I was approached a dozen times by the other organizers on the other side.

Q. By whom?

A. Well, Louie Salmons, Johnson, Lackhouse and different fellows.

Q. Lackhouse was going about the plant, was he, asking men to join the C. I. O.?

A. Yes, sir, Johnny Lackhouse.

Q. He came to you while you were working?

A. Absolutely. He came to me while I was working at least thirty times.

1651 Q. Was it in the course of his work that he came to you?

A. No.

Q. What is Lackhouse's job?

A. He was a trucker, running a truck, hauling the patterns to and from the foundry.

Q. Well, he worked in your vicinity most of the time, didn't he?

A. Well, he would come to the pattern shop, if that is what you mean.

Q. Yes. Those were the occasions that he spoke to you; is that right?

A. No. Most of the time when he spoke to me would be about 20 or quarter to 12 when he would leave the truck and start for the foundry for his lunch.

Q. After he had finished his work and was going to lunch; is that right?

A. Yes. Well, it wasn't lunch time, but about 20 minutes before lunch time he would always walk through there without the truck, you know.

Q. Who asked you to sign with the Independent Union?

A. Bill Greenlee.

Q. Did you pass around the long petitions or pieces of paper for the men to sign?

Trial Examiner McCarthy: When they formed the Independent.

1652 The Witness: No.

Q. (By Mr. Reynolds.) You passed out membership cards, is that it, later?

A. Later.

Q. Now, after you had done this work of passing out cards did your foreman ever say anything to you later on about activity for the Independent Union?

A. Never.

Q. Never did say anything?

A. I have never spoken about union to the foreman at all at any time.

Q. Did Skeates ever say anything to you?

A. Mr. Skeates never said anything to me.

Mr. Wham: Why don't you ask him if they saw him doing it?

Q. (By Mr. Reynolds.) Did Mr. Kowatch and Mr. Greenlee and you do this work of soliciting openly throughout the department?

A. No, no. That was one thing that I was instructed by Kowatch. "Don't let the boss catch you."

Q. Kowatch talked to about a hundred to a hundred and fifty people, didn't he?

A. I don't know.

Q. You saw him going around all over the place, didn't you?

1653 A. No, I didn't.

Q. Did you only see him in the pattern shop?

A. That is the only place that I saw him, and then I didn't know for sure whether that was what he was doing or not.

Q. You never did overhear any of his conversations?

A. No, only what he said to me:

Mr. Reynolds: That is all.

Mr. Wham: Just a minute.

Q. (By Mr. Wham.) Now, the attorney for the Board asked you if your foreman or Mr. Skeates ever said anything to you about soliciting for the Independent or passing out cards for them, and you said no.

Well, now, did they ever know that you did that?

A. No, I never let them see me.

Mr. Wham: That is all.

Mr. Seyfarth: Just a minute.

Q. (By Mr. Seyfarth.) Do you mean to say that you were solicited on company time by members of the C. I. O.?

A. Yes, sir.

Mr. Seyfarth: That is all.

(Witness excused.)

Mr. Seyfarth: Mr. McKinney.

ED. L. MCKINNEY, a witness called by and on behalf of the Respondent, Link Belt Company, being
1654 first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Seyfarth.) State your name, sir.

A. Ed L. McKinney.

Q. Where do you live, Mr. McKinney?

A. 6829 Michigan Avenue.

Q. How long have you been employed by the Link Belt Company?

A. Approximately 30 years.

Q. What is your occupation over there?

A. At present supervisor of crane construction.

Trial Examiner McCarthy: Crane?

The Witness: Yes, sir.

Q. (By Mr. Seyfarth.) Who is your immediate superior?

A. Mr. Joe Spence.

Q. Now, did you ever receive any instructions from your superiors regarding your position on union activity in the plant?

A. Yes, sir.

Q. Will you state in a few words what those instructions were?

A. That we weren't to have anything to do with union in any way, shape or form.

Q. Were you instructed to prohibit solicitation by either union on company time?

1655 A. Well, I presumed that from the brief instructions given.

Q. What was said that led you to presume that?

A. Simply that we weren't to have anything to do with union in any way, shape or form.

Q. And it was your job to keep the men working, was it not?

A. Absolutely.

Q. Now, were you here the day John Kalamarie testified?

A. I was not.

Q. Kalamarie testified that he saw a note that you had written to one George Belov ordering Belov to take the Independent membership list around.

Did you ever write any such note to Belov?

A. I did not.

Q. Do you know George Belov?

A. I do.

Q. Did you ever give him any instructions, written or orally, about getting a membership list for the Independent Union filled out?

A. No. Might I make that general and say to anybody else?

Q. To anyone whatsoever?

A. No.

Q. Do you know anything about the activities of the two unions during company time, Mr. McKinney?

A. I don't.

1656 Q. Well, did you ever see any solicitation by either side?

A. I did not.

Q. Did you ever see any hand bills around the plant?

A. Yes.

Q. And were they handbills of both sides?

A. No.

Q. (By Trial Examiner McCarthy.) What were they?

Q. (By Mr. Seyfarth.) What were they?

A. C. I. O. hand bills.

Q. (By Trial Examiner McCarthy.) What were they about?

A. Oh, describing meetings to be held, giving the designation of the meeting place, time and date.

Q. (By Mr. Seyfarth.) Whereabouts in the plant did you find those hand bills?

A. Well, generally scattered all over the castings, on the doors to the locker room—wash room, rather; and any convenient place where they could be put.

Q. Would you say that you put forth your best efforts to keep down all solicitation?

A. I did.

Q. You wanted work done in the plant, did you not?

A. That is right.

Q. Now, did you ever receive any instructions regarding the discharge of any man that was caught soliciting for a union or being engaged actively in union affairs 1657 on company time?

A. No. I think I have a hazy recollection of seeing a notice on the bulletin board that that was not permissible. Now, just when that was and the exact wording of that notice, I couldn't say, but I have a recollection that some such thing was posted on the bulletin board.

Q. Now, was it your understanding that a man was to be warned before he was discharged for union activity?

A. Well, I presumed that that notice did that.

Q. What is the fact with reference to whether a foreman has the power to discharge an employee?

A. It must be taken up with the superior, show the cause, and then I think finally go through the employment manager.

Q. Now, do you know John Kalamarie?

A. I do.

Q. Where was he employed when you first met him?

A. In the steel cleaning shed, as a burner.

Q. By a burner you mean an acetylene burner; is that right?

A. That is right.

Q. And an acetylene burner is sometimes referred to as a cutter?

A. That is right.

Q. Now, did he ever talk to you about his job?

A. He did.

Q. What did he say and what did you say?

1658 A. Well, the first conversation, as I recall, he explained he wasn't making enough money.

Q. When did that conversation take place?

A. As nearly as I can remember along about the fore part of May.

Q. What did you say to him?

A. I am not exactly sure of that because I did not make any date.

Q. Whereabouts in the plant did the conversation take place?

A. In the steel cleaning shed.

Q. What did you say to him when he made the request for additional compensation?

A. Well, I told him that owing to the cost of the operations that something had to be done, and that I would make it my best effort to see what change we could make in the routine would enable him to make more money on the job.

Q. Did you have any subsequent conversations with him about this general subject of a wage increase?

A. I think on two or three other occasions.

Q. What did you say to each other on those occasions?

A. After I had taken a study of the work that Kalamarie was doing I had come to the conclusion, and so told him, that unless some method was devised whereby I could be assured that I would be enabled to get the value of 1659 the cost of the oxygen and gas—that until that time I would not consider any raise for him.

Q. Was it then a time when the price of gas was an important factor?

A. It was. Not only gas; gas and oxygen.

Q. Yes. Now, did Kalamarie ever request that he be made an arc welder?

A. He did.

Q. When did he make that request to you?

A. I don't recall the exact date, but from the employment record we could easily ascertain. It was about two weeks previous to the transfer of an arc welder, a man by the name of Eli.

Q. Where was Eli transferred to?

A. To the steel shop, welding department.

Q. And did that leave an opening in your department for another arc welder?

A. It did.

Q. Had Kalamarie requested that he be made an arc welder previous to the transfer of Eli?

A. About two weeks previous to the transfer.

Q. And for two weeks you did not accede to Kalamarie's request; is that right?

A. That is right.

Q. After the transfer of Eli you saw an opportunity to satisfy Kalamarie's request?

A. Well, I had two or three requests that they be given the job, and of the number requesting the job I selected Kalamarie.

Q. Well, why did you select Kalamarie, Mr. McKinney?

A. Because at that time he had, well, partially if not wholly assured me that he was going to do better with his work than he had previously done.

Q. Were you affected in a measure by the fact that he had requested an increase in wages and you would like to accommodate him and keep him happy, if possible?

A. Well, that and another request that he had made; that it wasn't so much the particular job that he was doing or the amount of money that he was making, but that he wanted to learn to be an arc welder, and when I asked him why, after calling his attention to the fact that there was many things he would have to learn, he waived all those aside and waived any other objections I could take to it with the statement that he wanted to learn arc welding so that he could get a better job on the outside, meaning outside the plant.

Q. You mean some day he led you to believe that he would desire to leave the employment of Link Belt Company?

A. That was the impression I got.

Q. And get a job some place else?

A. That was the impression I got.

1661 Q. Where he could make better use of his knowledge, and training, that he had received as an arc welder?

A. That is right.

Q. Now, at the time that you acceded to Kalamarie's request that he be made an arc welder, was there any understanding between you and Kalamarie that he was to remain as a burner, an acetylene burner?

A. No. In fact, I changed any thought that he might have had with regard to that by the statement that where he was leaving a position where the opportunity later would be for him to make better than \$1.00 an hour, he was stepping into something that he was unused to, didn't know anything about, and that as he was going in not taking Eli's position in seniority but as the junior member, he would have to accept the responsibility attached there-to.

Trial Examiner McCarthy: What time was that, Mr. McKinney?

The Witness: That, as I recall, was along about in August. I think we could get that date from Mr. Staskey.

Q. (By Mr. Seyfarth.) Was this conversation at or about the time he was transferred to the job or arc welding?

A. Just about that time, yes.

Q. And it was about two weeks subsequent to his conversation wherein he requested the change?

A. About that time.

1662 Q. (By Trial Examiner McCarthy.) In other words, when you transferred him you pointed out to him that he was losing his seniority rights?

A. Insofar as his standing in the arc welding department was concerned?

Q. Yes; he would become junior in the arc welding department.

A. Yes. Now, perhaps a little bit of explanation or qualification to that remark might serve better—

Mr. Seyfarth: Yes, go head.

The Witness: (Continuing.) —to leave the Examiner and the attorneys know what I meant by that or what we intend.

Mr. Seyfarth: Go right ahead.

The Witness: For instance, where we have a set up in a department and a man is accustomed to doing a certain amount of work.

Trial Examiner McCarthy: A certain amount or certain kind of work?

The Witness: No, that certain kind of work. That condition may not continue indefinitely. It is subject to change from time to time, and a man going back in there again might be required to take a step down and learn the thing from where somebody else had picked it up and effected those changes.

Now, that could be possible with a different application of your regulators, your torches. I might point out there that some regulators and torches require 90 pounds of oxygen to effect a cut.

Q. (By Trial Examiner McCarthy.) What do you call a regulator?

A. Those are the gages that regulate the pressure of oxygen and the acetylene gas.

And also with a torch, some torches require that you use a different number tip to cut a specified sinkhead or

riser, while another torch might be more efficient. It could be brought about that a man that hadn't been accustomed to using your particular torch would be wholly at sea until he would again learn the rudiments of handling those tools.

Q. (By Mr. Seyfarth.) Now, was anything said in your conversation with Kalamarie at that time that he was made an arc welder which would in any way lead him to believe that his job of arc welding was merely temporary?

A. Well, nothing other than the fact that I told him he was the junior member of that welding crew. We had three welders at the time working three eight hour shifts, and he stepped in what we call the middle shift; the middle shift being, of course, from 11 o'clock until 7 in the evening.

Q. Well, now, barring unforeseen economic changes, was there anything said that would indicate to Kalamarie that this was merely a temporary change to the job 1664 of arc welding and that he was really and truly an acetylene burner?

A. An acetylene burner?

Q. Yes.

A. He never was an acetylene burner.

Q. What was he?

A. Pardon me, I thought you meant welder. He was an acetylene burner, but I left the impression with him by that statement that he was the junior member in the arc welding department; that he was sacrificing his right in acetylene burning.

Mr. Reynolds: I object to that answer and ask that it be stricken. He is not stating any conversation; he is stating the kind of conclusion that you want him to state here.

Mr. Seyfarth: Certainly I haven't asked for it.

Trial Examiner McCarthy: Objection overruled.

Mr. Reynolds: How did you leave that impression with him; that is what we want to know.

Q. (By Mr. Seyfarth.) Will you state for the attorney for the Board—

A. By what I had told him.

Q. —how you left that impression? State what you told him.

A. I told him when he was leaving the burning department and going into the arc welding department he

1665 was sacrificing his rights in the burning department and accepting a position, a junior position in the arc welding department.

Q. (By Trial Examiner McCarthy.) Why would he do that?

A. Just for the reason previously stated; that if he were to come back, if it became necessary or desirable that we would return him to the burning department, there might be so much for him to pick up in the rudiments of using the torch and regulators that he would have to begin down lower than the men employed at that time.

Q. (By Mr. Seyfarth.) At the time of this conversation did you anticipate any slackening of work for arc welders in that particular department?

A. I did not. There wasn't anything to indicate such a change.

Q. For ought that you knew, conditions were going to remain favorable; is that right?

A. That is right.

Q. And there was going to be plenty of activity for the Link Belt Company?

A. That is right.

Q. And had there been such activity would Kalamarie be with you today?

A. I presume he would. I left that department I think along about the 5th day of October. I took over the department on the 15th day of April, 1937, and had charge of it until the 5th day of October, 1937.

1666 Q. Now, Mr. McKinney, had you been instructed by anyone to shift Kalamarie from a burner to the job of arc welder?

A. No.

Q. Was this a matter that was solely between you and Kalamarie?

A. That is right.

Q. Did you know of any union affiliations at that time that Kalamarie had?

A. I did not.

Q. Did you know that he was a member of the C. I. O.?

A. I did not.

Q. Did you know that he belonged to any union?

A. I did not, and cared less.

Q. Now, are you acquainted with Nick Cumorich and Mike Karbol?

A. I am.

Q. They worked on the night shift; is that right?

A. That is right.

Q. What is the fact with reference to whether there is a foreman for the night shift?

A. We have never had a foreman on the night shift; never needed one.

Q. What is the practice regarding the supervision of men on the night shift?

A. Merely the fact that from the day production 1667 list the day foreman, the man in charge of the cleaning, the grinding and the annealing department, follows the instructions given on the production list. That production list is a compilation of the jobs to be shipped and the sequence in which they are to be shipped.

He will take the time cards and after the castings are placed about the department, place these time cards in these castings or attach them thereto sometimes with a tag and sometimes with a rubber band, and when any member of the department coming on that you feel sure can follow given instructions, either made by word of mouth or by note, inform him what you would like to have the gang do and point out certain members in there that you request—have them finish the casting.

Q. Is it the fact that you get most of the work done during the day time?

A. That is right.

Q. And the function of the night shift is to carry on the work in a lesser degree, isn't it?

A. That is right.

Q. About what percentage of the work is done at night and what percentage in the day?

A. That varies. It varies with the demands of the production schedule. That would vary from time to time.

Q. Is that what is known as the night shakeout?

1668 A. Well, now, that doesn't come under the cleaning head. That is cleaning in a certain sense, but it doesn't come under the cleaning room foreman.

Q. Are instructions usually left by the day foreman as to what they want done at night?

A. Well, I did.

Q. Did you address those instructions to any particular person?

A. Occasionally; varied it from time to time.

Q. Who would you address those instructions to dur-

ing the time that you were a foreman of the cleaning department?

A. Well, I had three or four: Belov, Sholtes, Ram, Milashus.

Q. (By Trial Examiner McCarthy.) Why did you instruct those men?

A. They came to work at different times.

Q. Were they straw bosses?

A. No.

Q. Working foremen?

A. No.

Q. What was the distinction between those men and the other workers on the night shift?

A. Well, they were more apt to be able to carry out your instructions; and I had no way of speaking to them in their various different tongues.

1669 Q. Did they get any extra money for that extra duty?

A. No.

Q. (By Mr. Seyfarth.) Were they men who were able to read and write?

A. We figured that the best of the crew.

Q. You figured that?

A. Yes, sir.

Q. So that is the reason why the instructions were written and you assumed there would be somebody there who could understand writing?

A. Sure.

Q. Now, did you ever have any complaints regarding the costs in your department?

A. That was the biggest bone of contention.

Q. Will you tell the Examiner about the rising costs?

A. Well, in the management of any department naturally it occurs at times that when costs rise it is due to one or several causes. Cost of materials is one thing; inefficiency in the direction or the managing end that the department exercises is another case.

In an orderly turn, to put your finger on just what is wrong several steps have to be taken.

Naturally if you have costs that are controlling, those are easy to find, and in order to put your finger on some of the costs that are more easy to control we use a 1670 time study method. This boils it down to just how much does a man do, an average man.

Does that answer your question?

Q. (By Trial Examiner McCarthy.) How long have you had that, those time studies in force?

A. To my best recollection, about 28 years; that is, in the plant generally. It may be a little longer than that. I think the time study system started along about 1906. In fact, it had started when I started to work for the company.

Q. (By Mr. Seyfarth.) Now, time studies are made in relation to piece work, aren't they?

A. That is right. Not piece work alone.

Q. Pardon me?

A. Not piece work alone. Premium work too.

Q. (By Trial Examiner McCarthy.) Premium, you say?

A. Yes.

Q. Is that known as salary also?

A. No. Premium might be defined by saying it is a system where the company and the men both share in time saved.

Q. (By Mr. Seyfarth.) Now, is there any necessity for time studies when a flat day rate is employed?

A. When a flat day rate is employed?

Q. Yes.

A. I would say there is. Many will not agree.

1671 Q. Were special time studies ever made by Link Belt Company?

A. Well, any job that there is a time study taken on usually begins by a flat day rate.

Q. Flat day rate?

A. Surely.

Q. And the reason for the time study is to—

A. Ascertain a fair cost.

Q. A fair cost?

A. That is right.

Q. So that the company can be guided thereby?

A. That is right, and also to give you a line on your most efficient workmen.

Q. Yes. Now, you say that the costs in your department were mounting?

A. That is right.

Q. (By Trial Examiner McCarthy.) Why? What particular factor?

A. Labor.

Q. You mean your rate of pay was going up?

A. No. Lack of production.

Q. You mean labor was becoming inefficient?

A. That is right.

Q. (By Mr. Seyfarth.) Now, you discovered that, did you, Mr. McKinney, after taking recourse to the labor cards—

1672 A. That is right.

Q. —and time studies?

A. I used the labor cards to point out just where it began and where the spot was sorest.

Q. Did you ever examine the time cards of Nick Cumorich and Mike Karbol?

A. I did.

Q. Did you examine them after you had gone to the department in which they worked and observed them?

A. That is right.

Q. And did you observe them after you had examined the time cards?

A. Both after observation of the man working and a study of the time cards and their rate of work turned out. That was the thing that led me—

Q. Now, just a minute. Did you after learning that your costs were mounting make any personal inspection trips to the night shift?

A. I did.

Q. About how many such inspection trips did you make, Mr. McKinney?

A. Somewhere between ten and twelve. I thought it was ten, but after I talked to my wife, she said it was eleven times. I had gone several times. She rode down and sat in the car while I was in the plant. In fact,
1673 once or twice she came in the plant.

Q. What time would you go down there?

A. The hours varied anywhere from 11 o'clock to 2:30 and 4 o'clock in the morning.

Q. Now, when you went down there to see what was wrong, what did you do?

A. I would walk in the department to see if the men were working, how much they had done from the time they started, and tried to predicate from that, their action there, how much they would have done by morning.

Q. Then would you check up the following morning to see how much they had done?

A. It never panned out the way I figured it should pan out.

Q. Did you figure that some of them were slower than others?

A. I didn't figure it. I could see it. It was very evident.

Q. Now, did you make any observations with reference to the efficiency of Nick Cumorich?

A. I did.

Q. What did you observe?

A. That he had no interest in his job; that at the end of the shift when I would compare the amount of work done by Nick Cumorich with the amount of work done by any average workman doing that particular kind of work, that his rate of production would vary from a minimum of ten to, oh, probably sixty per cent; sixty per cent being an exception.

Q. (By Trial Examiner McCarthy.) Will you explain that variance a little more clearly? Variation from what?

A. Variation in the amounts that he would produce over a given amount of time.

Q. (By Mr. Seyfarth.) Now, Mr. McKinney, explaining it another way, would you say that when Nick Cumorich was putting forth the greatest amount of effort for the Link Belt Company that he was performing about 60 per cent of the work that the average workman was producing?

A. That is right.

Q. (By Trial Examiner McCarthy.) How would you account for that?

A. By his indifference to the job.

Q. Even when he was putting forth his maximum effort?

Mr. Seyfarth: I said maximum effort for Link Belt Company.

The Witness: There are many ways that you could devise to determine whether a man is putting forth his maximum effort. I will qualify that. An average workman, you can easily determine how much work he will turn out from an analysis of his given motion; that is, a time study motion. But when a man deliberately slows up a motion from an operation that would require two minutes, so that it will require him five minutes to accomplish the same purpose, the evidence is plain on the face of it that there is something wrong.

Q. (By Mr. Seyfarth.) Did you observe that something was wrong with Cumorich?

A. Beg pardon?

A. Did you observe that something was wrong with Cumorich?

A. Well, after I had made a comprehensive study of the man I decided that he just didn't want to work.

Q. Now, when you went down to the—

Trial Examiner McCarthy: Let me ask one question.

Mr. Seyfarth: All right.

Q. (By Trial Examiner McCarthy.) What difference does it make to the company if he is on a piece work basis? It doesn't cost the company anything, does it?

A. Oh, no?

Q. How does it?

A. Overhead is going on just the same. He doesn't control overhead.

Mr. Seyfarth: He is guaranteed a day rate, isn't he?

The Witness: And for each one of his hours that he works there is a certain amount of overhead that must be liquidated.

For instance, if we have a ten hour shift in the shop, there is ten hours of overhead charged against every ten hours of labor that is performed in the shop. That is 1676 predicated on the square foot area in the plant that the man occupies or that is set aside for that man, and that is determined by the number of employees in that department.

Mr. Seyfarth: I think I can straighten the Examiner out.

Q. (By Mr. Seyfarth.) These men were also on a flat day rate that they got regardless of the amount of work they turned out; isn't that a fact?

A. That is right; we had to guarantee them that.

Q. You guarantee, in other words, both Cumorich and Karbol a certain amount for the night's work?

A. That is the thing that always proves a sore spot from the foreman's point of view. When he works on his analysis he has so much direct labor that he has to account for.

Q. Now, in conjunction with the flat day rate that both Cumorich and Karbol and every other workman received that was on the night shift, were they given an additional sum for a premium on an increased number of products that they turned out that night?

A. No, that was given to compensate for the inconvenience caused them by working on the night shift.

Q. Do you mean to say that no matter how hard they worked and how many products—

A. Pardon me.

Q. — they turned out, that they just got the flat 1677 night rate?

A. Oh, no.

Q. Explain that for the Examiner.

A. Well, the time card covered a certain cost. In a sense the time card is an order. That order specifies a certain number of parts for which the company pays, the price prefixed by the unit cost.

Now, it is perfectly obvious that if one man would turn out 50 parts in any given time that he would receive the price paid on those 50 parts, while if you had another man in the department that would turn out three like orders at a like cost per unit he would receive three times that price or wage earnings.

Does that answer the question?

Q. Yes. Now, when you were down there in the plant those nights, did you observe Cumorich's slowness?

A. I observed him not paying any attention to the work that he had been delegated to do, yet his time was running on the time card, and I called that to his attention.

Q. Did you mention it to him on those occasions when you were there?

A. I had no hesitancy in mentioning it to any of them.

Q. Who did you all speak to?

A. To Cumorich, Karbol, to Kalamarie, to Novak, and the name of two others just doesn't come to me now. Those four names, and the others I wasn't thoroughly familiar with them and couldn't commit them to memory.

Q. You also observed that Karbol was slow in his work, didn't you?

A. Yes, sir.

Q. And for that reason you spoke to Karbol?

A. Yes, sir.

Q. Now, what was the attitude of Kalamarie and Novak after you had spoken to them?

A. Well, indifference to a point where they didn't pay any attention.

Q. I am talking now about Kalamarie and Novak.

A. That is my answer to that question. They were indifferent to the point that I later transferred Kalamarie from the night shift to the day shift.

Q. He still remained a burner, however, when he went on the day shift?

A. A burner, that is right.

Q. Now, what was the attitude of Cumorich and Karbol?

A. It didn't make any difference what was said to them; they didn't improve.

Q. And did you warn both Cumorich and Karbol about the amount of work they were turning out?

A. I did.

Q. How many times did you warn them?

1679 A. To my best knowledge about a half dozen times; some direct and I think once or twice indirect.

Q. When you say indirectly, what do you mean?

A. Well, I spoke to the day checker who I know would have an opportunity of speaking to them and was in a way looked upon by those men for information as to what they should do in the absence of a foreman.

Q. Who was that day checker?

A. His name is Zunette.

Q. Zunette?

A. John Zunette. His nickname is "Springtime."

Q. They call him "Springtime"?

A. "Springtime." It seems unusual to address a man as "Springtime."

Trial Examiner McCarthy: In a foundry.

The Witness: In a foundry. There isn't any grass or flowers around there, and why they would refer to him as "Springtime," I don't know.

Q. (By Mr. Seyfarth.) Now, did you subsequently ask Mr. Peters to check up the labor cards on Cumorich and Karbol?

A. Well, I had checked them, and then in order to verify my check Mr. Peters went back over the cards.

Q. You had checked them individually before?

A. I checked the cards every morning.

Q. And then after going down in the plant and observing this you asked him to check them individually?
1680 ally?

A. That is right.

Q. And did you then ask Mr. Peters for his conclusion?

A. Well, I didn't need to get his conclusion. I had pretty much made up my mind that there wasn't going to be any correction by those two men.

Q. But you did get Mr. Peters' conclusion?

A. Yes, I looked over his figures and they ran just about what I had myself and it was then that I decided to dismiss them.

Q. (By Trial Examiner McCarthy.) How close were you to George Belov?

A. Well, I would see him in the morning, as I would all the men coming in to stamp their card out.

A. Would you consider him a good man?

A. In a way, yes.

Q. Was he a straw boss?

From the testimony that was introduced here so far, it indicates the men understood him to be a straw boss or he had a supervisory position or direction over them; they took their orders from him.

A. I think that is erroneous.

Q. I think they called him the night foreman.

A. That is erroneous, that thought. They took no orders from anybody but myself, handed them through time cards.

1681 Q. How could you give orders when you were not there?

A. I had a list on the desk.

Q. I understand that, but you weren't there in the evening on the night shift.

A. That is true, not every night, but that list was there, and then the time cards were placed in or on the various castings I wanted them to ship in the morning.

Q. Wasn't there any person left in quasi charge over these men in your absence?

You were in charge of the floor in the day time.

A. That is right.

Q. Then as the night shift came on, they certainly didn't let the men run loose there.

A. We used the time cards to gauge and find out what they were doing.

Q. That is the only control they had over them?

A. That is sufficient.

Mr. Seyfarth: May I ask a question at this point?

Q. (By Mr. Seyfarth.) Mr. McKinney, the castings that you wanted each individual man to work on that night had the card on them?

A. That is right.

Q. And did you have the man's number who it was desired should work on the casting on the time card?

A. We put those on where it is possible. It is not always possible to do that, for the reason that a man
1682 would be apt to break a casting. We had certain losses due to breakage.

Q. Yes.

A. I might illustrate that by saying if I required ten castings but had twenty on the floor, and I wasn't sure that

I was going to get ten in a given time, when that job in rotation would be ready, I wouldn't put that man's number on the card; I would rather leave that for some man as he ran out of a job to pick it up. But I marked these jobs on the production sheet which I left, the sequence in which I wanted the work ran out.

Q. Ordinarily speaking would you leave the man's number on the card and place it on the casting if you desired him to complete the job?

A. That is right.

Q. And he was able to identify the number in the event that he wasn't able to read writing?

A. He could go to my production list and get it from that.

Q. Yes, and in the event he couldn't read he was able to see the numbers and identify his work in that way?

A. Sure, that is right.

Q. (By Trial Examiner McCarthy.) Was George Belov the only man on that particular crew that could read English?

A. Oh, no. I mentioned the names of four that we had confidence could read and explain the time - 1683 cards.

Q. Were they on the same crew as Karbol and Cumorich?

A. Oh, yes.

Q. George Belov's name has been mentioned here repeatedly and it is not clear just what his status was. The men understood him to be a straw boss or a foreman. They called him the night foreman.

A. Well, we didn't understand that way. His time was charged to burning. He drove a truck. He put in a lamp in case a lamp would burn out, and otherwise made himself useful. That burning charge was on an indirect labor account and was not sub-divided. That was another thing I had intended to do, which would, after I had done that, set out Belov's standing and status to a minute degree.

Mr. Seyfarth: Now, Mr. Reporter, will you mark these time cards Respondent's Exhibit 24 for identification?

(Thereupon, the documents above referred to were marked as Respondent's Exhibit No. 24 for identification.)

Q. (By Mr. Seyfarth.) I show you Respondent's Exhibit 24, consisting of seven cards, and I will ask you what they are, Mr. McKinney?

A. That is the midnight checker's time card.

Q. Do you know whether those are the time cards of George Belov?

1684 A. I do.

Q. What is the fact in that matter?

A. Those are his cards, his work cards, the cards on which he is paid for the time that he put on the job.

Q. I call your attention to the legend appearing in the upper left hand corner, 4455. Has that number got any significance to you?

A. Yes.

Q. What does that mean?

A. Indirect labor.

Q. What?

Trial Examiner McCarthy: It means what?

The Witness: Indirect labor.

Mr. Seyfarth: Indirect labor.

Trial Examiner McCarthy: What does that mean?

The Witness: Indirect labor is, that labor done on work in general and to which you can make no specific charge. In other words, it is collective work done on the collective amount of work.

Trial Examiner McCarthy: Doesn't that tend to confirm what the men understood his status to be?

The Witness: Well, it was—

Mr. Seyfarth: I will get to that, Mr. Examiner.

Q. (By Mr. Seyfarth.) Now, is there any difference in the number of the supervisory force as distinguished from the productive force?

A. State that question again, please.

Q. Is there any difference in the number appearing on these cards—is there any difference between the numbers of the supervisory and the productive forces?

A. You mean the check number?

Q. Yes.

A. Well, no, there isn't in that regard. A supervisor would not have a time card of that kind.

Q. Well, wouldn't a man if he was a member of the supervisory force have, say, the number 4450 instead of '55?

A. Yes, that would be a different account entirely.

Q. In other words, members of the supervisory force always have the account number '50; isn't that right?

A. That is right.

Q. And when engaged in production—that is, he is not a member of the supervisory force, his account number is '55?

A. That is right.

Q. And you say these time cards of George Belov have on them the legend '55?

A. That is the non-productive labor symbol used.

Q. That is the non-productive labor symbol?

A. That is right.

Q. There is an error there. I find '55 is the productive labor symbol.

A. No, '55 is the non-productive; that is, indirect.

Q. Indirect?

A. 50 is the supervisory charge.

Q. 50 is the supervisory charge?

A. That is right.

Q. And 55 is non-supervisory charge?

A. That is right.

Q. Now, we have got that straight.

Trial Examiner McCarthy: I don't know whether it is straight in that record or not.

Mr. Seyfarth: Just for the purpose of classification,—

Trial Examiner McCarthy: I think the witness testified that a foreman didn't have a time card. Isn't that correct?

The Witness: That is right; very few of them have.

Q. (By Trial Examiner McCarthy.) Then what is a supervisory man with a time card?

A. A supervisory man with a time card may be temporarily appointed.

Q. (By Mr. Seyfarth.) Well, don't foremen on an hourly rate have time cards?

A. That is right, yes. Those are usually what you call a straw boss.

Q. Those are usually what you call a straw boss?

A. Yes.

1687 Trial Examiner McCarthy: What is their number?

Q. (By Mr. Seyfarth.) In that event what would their number be; 50 or 55?

A. That would be on 50.

Q. That would be on 50?

A. On the 50 charge, yes.

Q. Would you say that from the legend appearing on the cards marked Respondent's Exhibit 24 for identification as —55, it would appear to you that George Belov was not a foreman and he was not a straw boss?

A. Absolutely, no question there.

Q. (By Trial Examiner McCarthy.) What would Cumorich's number be?

A. His name would be on 4455. That would be on the -55 account.

Q. Would he be indirect labor?

A. He would be indirect. In fact, all that work at that time was done on indirect labor, but yet the cards were printed designating what job was to be done. That was a matter that we intended later to take up and subdivide and later apply on direct labor, but there was some discrepancy of thought.

Q. Do you call a chipper and a grinder indirect labor?

A. That is the way it was handled, yes.

Trial Examiner McCarthy: Just so that the record 1688 is clear and we understand what is in mind.

Q. (By Mr. Seyfarth.) Now, the last two numbers on the card usually indicate whether they are members of the supervisory force and non-supervisory force to accommodate your accounting methods?

A. That is right. The numbers preceding that designate the department.

Q. Designate the department?

A. That is right.

Q. Now, do you know how castings are prepared for the chippers?

A. I do.

Q. Will you tell the Examiner in a few words about that?

A. The castings of a larger size are cleaned with wire brushes by hand; that is, cleaned of superfluous sand from the exterior. The gates, runners, sinkheads are broken off, and as much of that work as can be done before the casting comes to the chippers. That is done by what we call that shakeout crew. In the smaller castings the gates are knocked off as they are picked out of the sand and brought down to the tumbling room where they are tumbled. That, with the old shoes and sticks we put in there and set the machine in motion, knocks all the loose sand off and tends to smooth and polish your castings, leaving only the residue of the gate to grind so that the surface of the casting conforms 1689 with the general outline at that particular spot.

Q. (By Trial Examiner McCarthy.) What does a chipper do; chip with a cold chisel?

A. Yes, and sometimes a hand chisel.

Q. A grinder uses a grinding wheel?

A. He can use a portable grinding wheel or a snagging wheel, a snagging wheel being one that is attached to a foundation or the floor, where a portable wheel can be taken about at will, being driven with an air hose.

Q. (By Mr. Seyfarth.) Now, Mr. McKinney, in devising your time studies do you take into account what an average workman would do on the average run of castings that he would get during the course of a day?

A. All time studies are computed that way. They are worked up that way.

Q. And would you say that during the course of a reasonable period that a chipper or a grinder would get an average number of castings large, small, rough or smooth?

A. Well, in smaller castings I don't think it is fair to make a division there on rough or smooth. The small castings after the chippers are through with them are not given any additional treatment; they are shipped out as is and they are commercially salable.

Q. Yes.

A. The larger castings they have to be treated 1690 or subsequently put in the oven again, and that subsequent heating tends to remove additional sand. Then they are sand blasted, but the chipper that works on that hasn't anything to do with that; that is all done separate and apart from his operation.

Q. Well, to your knowledge is any one particular chipper or grinder singled out to give less desirable work to.

A. No. You couldn't do it that way and run a modern shop. That is not possible.

Q. Besides not being able to run the modern shop in that fashion, it just wouldn't be the fair and right thing to do?

A. Well, you would have no way of controlling your cost. No foreman that would do that would be long a foreman.

Q. And you couldn't get the respect of your men either, could you?

A. That is right.

Mr. Seyfarth: Cross-examine.

Cross-Examination.

Q. (By Mr. Reynolds.) Now, you stated that you put forth your best efforts to keep down solicitation for the Independent Union.

A. I didn't make any statement of that kind.

Q. (By Trial Examiner McCarthy.) What is the fact? State it, according to your understanding.

A. I said that I didn't know there was such a union being formed and I didn't know anything about 1691 any union; Independent or C. I. O.

Q. (By Mr. Reynolds.) If you said that you put forth your best efforts to keep down solicitation during working hours, that was a misunderstanding?

A. Oh, I told them I didn't want them talking about anything but their work; unions of any kind.

Q. What caused you to say that?

A. The notice on the bulletin board.

Q. What did the notice say?

A. The notice was just a notice to the men in general that there wasn't to be any union activities participated in in the plant.

Q. When was that bulletin posted?

A. Oh, I don't know the exact date. I happened to see it on the bulletin board. I presumed that it was generally known.

Q. Generally known?

A. Yes.

Q. (By Trial Examiner McCarthy.) What time did you see that, Mr. McKinney?

A. I am not sure as to the date.

Q. Well, approximately?

A. I think it was somewhere along about the early summer.

Trial Examiner McCarthy: We haven't got such 1692 a notice in evidence here, have we?

Mr. Seyfarth: No such notice is in evidence.

Q. (By Mr. Reynolds.) Now, referring to your conversation with Kalamarie at the time he was changed over to be an arc welder; you first stated that you gave him the impression that he wouldn't retain any seniority on his old job as a burner. Later you said that you definitely told him in no uncertain terms that he was losing his seniority as a burner. Now, is that the impression you mean to say that you gave him?

A. That was due to his insistence that he would get the job. That was the cause for that. I first tried to dissuade him and then he kept insisting that he wanted to be an arc welder.

Q. So you told him that if he became an arc welder he lost his seniority as a burner?

A. Later, yes, before I put him on the job; but that happened subsequent to our first discussion about the matter.

A. Now, when did you receive that understanding about the company's seniority policy?

A. I think I explained that when I said that due to the changing conditions in the job it would make it necessary were he put back that he would have to step back in line even as a burner should he go back voluntarily or at our request.

1693 Mr. Reynolds: I object.

Trial Examiner McCarthy: Counsel wants to know what time.

The Witness: What time did I mention that to him?

Trial Examiner McCarthy: No, what time did you understand?

Read the question.

The Witness: Just a minute.

Trial Examiner McCarthy: We will get it straight.

Question read as follows:

"Now, when did you receive that understanding about the company's seniority policy?"

The Witness: When did I receive that?

Whenever we discussed putting them back.

Q. (By Trial Examiner McCarthy): No, wait. There must be some definite time. Was it two years ago?

A. No, in August.

Q. In what year?

A. '37.

Q. (By Mr. Reynolds): Well, did you receive that understanding from Kalamarie?

A. Oh, no.

Q. Where did you receive it?

A. Mr. Skeates.

Q. Mr. Skeates. What did he say to you?

1694 A. That the man stepping out there would be going in as a junior in the welding department.

Q. What did he say about his old job, though?

A. Well, just what I told you; that the change in equip-

ment and change in method would make it necessary for him going back in there to begin as, you might say, a virtual apprentice again.

Q. Then he would have no seniority over any other burner if he went back on that job?

A. Oh, yes, he would have seniority, but insofar as his money was concerned he wouldn't be paid that rate.

Q. (By Trial Examiner McCarthy): We are asking about seniority, Mr. McKinney.

A. Well, that seniority would hold good, but I imagine that—

Q. Let's take Kalamarie's case. What did Kalamarie start out at?

A. When I got there he was a burner.

(Passing document to witness.)

Mr. Reynolds: Second name.

The Witness: Second one? You see, I didn't take charge until '37. He had then been working two years, approximately.

Q. (By Trial Examiner McCarthy): You don't know in what capacity it was?

A. No.

1695 Q. What was he working at when you took charge?

A. Burner.

Q. Now, let us take the seniority from there on. Did he get more money when he became an arc welder?

A. No. Well, yes, he did. We gave him a raise.

Q. Let us put it the other way around. Do arc welders get more money than burners ordinarily?

A. Under that set-up the arc welder, depending on his efficiency, would get more money, but I had a set-up there with the burning that I was going to put the burning on a piece work basis. Then it would depend on a man's ability. In other words, I wasn't going to be guided by anybody's idea.

Q. (By Mr. Reynolds): Well, you mean now to say that Kalamarie would go back and be a burner if he could still perform the work after the arc welding job was over?

A. Well, I left that department and I don't know what policy would have been in effect after that. Kalamarie when I left there was a burner, and I can't answer for anybody that followed me.

Q. (By Trial Examiner McCarthy): Is there a different policy in your old department than there is in the new department?

A. I don't know. I have never gone back to that department.

Q. Well, have you any reason to believe there is any difference:

1696 A. I wouldn't know unless I would make an investigation, and, having no occasion to make an investigation, I wouldn't know.

Q. (By Mr. Reynolds): Now, tell us what the policy is in your department.

A. The policy in our department is that seniority rules.

Q. Now, what do you mean?

A. Well, in my department, I might explain it this way. If I would have a man that was well versed in applied mechanics and I found it absolutely necessary to maintain that man in that employment, I wouldn't sacrifice him and take an apprentice and put him in there, even though the apprentice might have a prior employment date. I couldn't take a second class man and make a first class man out of him.

Trial Examiner McCarthy: I think that is obvious.

The Witness: I have to classify him.

Q. (By Trial Examiner McCarthy): That isn't the ordinary application of the seniority rule?

A. I don't know what the practical application of the seniority rules is in other places.

Q. How do you apply it in your department? That is the main thing.

A. We apply it according to the ability and the employment date.

1697 Q. Those two factors.

Let us say you have a moulder in your department.

A. Now, you are talking about a different department. We have divorced ourselves from the foundry department.

Q. Take a man that works in your department. Just give us an illustration of your understanding of how the seniority rule works in your department. If you have mechanics in there, take a man starting as a mechanic; you gave him a promotion, and a lay off comes. Tell us what happens.

A. Your mechanic would follow in line of succession, according to his employment. When you say mechanic I am taking a number one man, referring to a man known as a journeyman; that is, a man that served an apprenticeship and has a certain fitting experience and is generally well versed on mechanical motion and so forth. That is a journeyman.

Now, it is perfectly obvious that you can not take a second class man who might know how to buff a bushing or fit a key and put him on some job where a fine mechanic or motion is required.

So we would dismiss this second class man of necessity rather than suffer the loss of the first class man.

Q. You pay them both the same rate, I take it?

A. No, no, they are not paid the same rate.

Q. Give us a concrete illustration of how the seniority rule works in your department. We are having some difficulty with it. Perhaps you might be able to elucidate.

A. I thought I explained that we never had any occasion to resort to seniority rule.

Q. If you did have occasion, how would it work?

A. I just explained it.

Q. These men that are laid off or are discharged claim they had seniority. The question is whether they, in fact, did have.

A. They might have with regard to employment date, but regarding ability and their classification as a workman they would be on the outside of the fence looking in.

Q. (By Mr. Reynolds): Now, let me get your interpretation of this seniority rule.

Suppose Kalamarie is able to do the work of a burner and has more service with the company than some burner that they have there now. Would you say that a mistake was made in not putting him back there as a burner?

A. Why would we suppose? Why wouldn't we know?

Q. Do you know that?

A. Yes, I would know.

Q. Yes.

A. I would know if I were there, and I would consider Berry a hell of a general manager if he suffered me to be there and I wasn't able to make that decision.

1699 Q. (By Trial Examiner McCarthy): Will you explain that a little more fully?

A. Well, if Kalamarie at the date when he left the burning department had full knowledge of the requirements of a burner and then he would come along later, or any of these men in here would come along later and take charge of the department and through something they would do change the character of the work in order to get out a given production, and then Kalamarie to come back there, he wouldn't be able to fall in step.

Q. You mean this is after he had been promoted, let us say, to arc welding?

A. Yes, then he would come back and wouldn't be able to step into that rank and produce. He would have to go back to the end of the line, I would say. I wouldn't say he had seniority there. Why would you penalize the efficient man?

Q. Now, assume he was an efficient burner.

A. He was at the time, but later on he might not be.

Q. (By Mr. Reynolds): But you just don't give him any chance to go over and show whether he is or not?

A. He would be given the chance but the probabilities are high that he wouldn't be able to produce until he had gone back over and learned the regimen again.

Q. What did you mean then when you said you made it clear to Kalamarie that he was giving up his seniority rights as a burner?

A. Because I told him what was coming at the time—he should stay and learn that and get his dollar an hour and maybe better, and learn that.

Q. (By Trial Examiner McCarthy): You said "learn that." Learn what?

A. Learn the method of cutting as we changed it, the application of the use of oxygen and acetylene gas by different cutting devices.

Q. (By Mr. Reynolds): How many cutters are making a dollar an hour there?

A. I don't know whether they ever put that scheme I had started into effect or not.

Q. You don't know whether the condition changed then after Kalamarie left or not, do you?

A. You understand I am about two blocks away from that and very seldom get over there. In fact, I don't believe I have been back to it over twice since I left.

Q. (By Trial Examiner McCarthy): Is this correct now. Take Kalamarie's case. He was, let us say, an efficient burner. Promote him to arc welding. Does he lose all his seniority rights in the company because he just starts out as an arc welder?

I think that is the nub of this whole question.

A. Does he lose his seniority rights?

1701 Q. Yes.

A. I would say he does, although I don't shape the policy of the company.

Q. No, but as you apply it in your own department it

would be your understanding that he would lose his seniority rights?

I think that is the gist of the testimony so far, but it hasn't been clear to the Examiner.

A. Shouldn't there be a clear cut conception of what is mean by seniority?

Q. That is what I am trying to find out; whether he would be laid off or hold a job.

A. I think the answer is given clearly defined in the cause and the result of what we found.

Q. What do you mean by that?

A. Well, he had no thought of continuing in the cutting department. What he wanted to do was get the arc welding experience so that he could get a job later on the outside.

Q. And to do so he lost his seniority rights?

A. I don't know. I wasn't there.

Q. But let us say the same thing happened in your department; would he lose his seniority rights?

A. I imagine he would.

Mr. Seyfarth: In other words, Mr. Examiner, when a man steps into a different classification with the intention of remaining there permanently his seniority certainly is affected by the date that he enters into this new classification, and his seniority would then start from there if in the first instance it was intended to remain permanently as an arc welder.

Mr. Reynolds: I object to this argument in the record, not based on the testimony.

Mr. Seyfarth: I am just explaining this to the Examiner.

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Reynolds.) Is it true that the most efficient chipper that you might have out there could have his production cut below the average of the whole group of chippers if his foreman consistently gave him the hardest jobs with the most risers to cut off?

Trial Examiner McCarthy: I think the witness has answered that. He said that that wasn't done and it would be inefficient operation.

Q. (By Mr. Reynolds.) Yes, but it is the fact that if the company or one of its supervisory officials or foremen wanted to be unfair to a man, they could do that sort of thing?

Mr. Seyfarth: I object to that as highly improper. It is argument and it is not based on what is the record.

Mr. Reynolds: I think it is very material. The charge is that the men were discharged for union activity.

Mr. Seyfarth: The proof shows that they weren't.

Mr. Reynolds: And if they could show that they 1703 could also frame up a case against them.

Mr. Seyfarth: Of course, this is a frame up from start to finish.

Mr. Reynolds: No doubt about that.

The Witness: I would like to inject an answer to that, to the cross-examining attorney.

Trial Examiner McCarthy: No, just a minute. Just answer the questions.

Q. (By Mr. Reynolds.) Cumorich was a laborer, wasn't he? He broke up scrap iron?

1704 A. Well, I had several chippers break scrap iron.

That wasn't any indication that he was a laborer. He come there and hired as a chipper and grinder.

Q. Yes, but the fact is that he didn't do the jobs that called for the most skill and the most efficient workmanship. You have a certain amount of work that has to be done that a less skilled man could do.

A. That is right, yes.

Q. And his production goes right into the general average, doesn't it?

A. Oh, no, none of their work goes into the general average. Now, you are misled on that statement with regard to indirect labor.

While this card carries an indirect labor charge, yet it sets out an order number and item by which we identify these castings. It also specifies a pattern number and drawing, and in that way in our tabulating department we can find the cost of any individual casting at any time, even though it carries an indirect labor charge.

Q. The cost of individual castings varies with the casting too, doesn't it?

A. Occasionally, yes, that is true.

Q. It varies according to the shape that the casting is in when the chipper starts work on it, doesn't it?

A. Well, those castings would be pretty much uniform. Most of the small castings or the castings that

1705 form. Cumorich was working on were made on the bench or the squeezer. They are usually true to pattern and they are just about in a like condition when they come to any chipper, Cumorich not excepted.

Q. Was George Belov's job changed any since last April?

A. I don't know. Since last April?

Q. Yes.

A. No, his job has been generally burning, driving a truck and attending the annealing furnace.

Q. Did he ever give any of the men any directions or instructions about how to do their work?

A. No, he just explained the wording on the time card when they didn't understand it. He was able to speak their language, some of them, when they couldn't interpret the time card or what was to be done. George Belov would do that. Charlie Ram would do it.

Q. (By Trial Examiner McCarthy.) When Cumorich was discharged Cumorich testified that George Belov, the foreman, said, "Here is your money, you got fired; sorry, you were a good man; I don't know why you fired."

Who would give Belov Cumorich's money; the timekeeper or the cashier?

A. I would.

Q. (By Mr. Reynolds.) Belov paid off the men, didn't he, on the night gang?

1706 A. Those two men he did, yes. He didn't pay off any others.

Q. Didn't he pay the others too.

A. Beg pardon?

Q. Didn't he pay the others too from time to time?

A. No.

Q. Never?

A. No, not to my knowledge.

Q. (By Trial Examiner McCarthy.) How was he picked to pay them this time? Was there any particular reason?

A. Because I felt I could trust giving George Belov the money.

Q. It was cash?

A. Just similar to the fact that of the men that are here I might select you as being the safest one to give it to you. My trust might be betrayed, but I might use that as an illustration.

Trial Examiner McCarthy: Strike it.

Q. (By Mr. Reynolds.) Did you say anything to these men on the job about slowing up and loafing?

A. I certainly did.

Q. On five or six different occasions?

A. As often as five or six different occasions, yes:

Q. Those seven cards of George Belov, what period are they taken from?

1707 A. I don't recall the exact date. I guess the attorney there can give you the date. I imagine they are taken at random.

Mr. Seyfarth: April and May.

Trial Examiner McCarthy: Will you make those cards available to the counsel?

Mr. Seyfarth: Yes. April and May of 1937. It is on the rear, Mr. Reynolds.

Q. (By Mr. Reynolds.) This card indicates that Belov's hourly rate was 80 cents, although I see two cards showing 75 cents. Was that the regular hourly rate of all the men in there, including Cumorich and Karbol?

A. Oh, no, the rates vary. You will find other cards in there of 89 cents an hour; that is, not in that group, but we have them.

Q. Did the amount of hours put in by these men vary any?

A. At times, dependent upon the exigencies as they may arise.

Q. Did Belov work, would you say, somewhat more than the average of the gang?

A. Well, if I had a particular job that I wanted extreme care used, George Belov being such a proficient burner, I would call him in earlier and start him out on it, even before the other gang would start. I have done that.

Q. It is indicated on here that Belov was night checker; is that right?

A. Yes.

Q. You mean to say that he also did work as a burner at the same time that he was checking?

A. He couldn't do that while he was checking. You can't check and burn at the same time.

Q. Well, you mean during the course of the same night he might do both jobs?

A. If there wasn't any checking to do he would burn for the balance of the night.

Q. (By Trial Examiner McCarthy.) Is checker the proper designation for that man?

A. When he is checking it would be.

Q. Well, in a month's time how much checking does he do? Put it that way.

A. I wouldn't know how to answer that.

Q. Well, you were in charge of that department?

A. Well, keeping no record on it, what I tell you would be just a guess.

Q. Yes, but it is the best guess there is.

A. Well, previous to when I went over there I don't know how much he did, but I tried to eliminate as much as I could of the checking by taking care of it in the day-time.

Q. Still what is your answer?

A. Well, now, I could take a random shot at it 1709 and say about 10 per cent of the time would be checking. I don't know how near that is right.

Trial Examiner McCarthy: Just to give us an idea.

Q. (By Mr. Reynolds.) Why would the designation of night checker appear on here if he did most of his time burning?

A. Because he would be the only checker at night that would do checking.

Q. Now, I show you one of these cards here for the days from April 13th to April 16th, inclusive, on which in red letters there are the words "cutting off," and there is a pencil line through that and "night checker" written in above.

A. The object for that is it simply sets out what he was doing. He was not doing any cutting off that night.

Q. Yes.

A. And at that immediate time the reason for making him a checker was to collect all of the castings that were ordered on a particular order so that they would be gotten into the shop and ready to work on and got out on a designated date.

Q. He did no burning then?

A. Not on that date.

Q. I show you these other six cards and ask you whether you can show where there is any burning done on those.

A. I would say not.

Q. That is for a two months' period; April and May of 1937?

1710 A. Yes.

Trial Examiner McCarthy: We will recess until 2 o'clock.

(Thereupon, a recess was taken until 2 o'clock P. M.)

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